

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

**BOSTON PARENT COALITION FOR  
ACADEMIC EXCELLENCE CORP.,**

**Plaintiff,**

**v.**

**THE SCHOOL COMMITTEE OF THE CITY OF  
BOSTON, ALEXANDRA OLIVER-DAVILA,  
MICHAEL O'NEILL, HARDIN COLEMAN,  
LORNA RIVERA, JERI ROBINSON, QUOC  
TRAN, ERNANI DeARAUJO, and BRENDA  
CASSELLIUS,**

**Defendants**

**and**

**THE BOSTON BRANCH OF THE NAACP, THE  
GREATER BOSTON LATINO NETWORK,  
ASIAN PACIFIC ISLANDER CIVIC ACTION  
NETWORK, ASIAN AMERICAN RESOURCE  
WORKSHOP, MAIRENY PIMENTAL, and H.D.,**

**Defendants-Intervenors.**

**Civil Action No. 1:21-cv-10330-WGY**

**DECLARATION OF DARRAGH MURPHY**

1. My name is Darragh Murphy, and I am a member of the Boston Parent Coalition for Academic Excellence Corp. (the "Boston Parents").

2. I make this declaration for use in the case of *Boston Parent Coalition for Academic Excellence, Corp. v. The School Committee of the City of Boston*, filed in the United States District Court for the District of Massachusetts and currently on appeal to the United States Court of Appeals for the First Circuit (the "Lawsuit").

3. I am over the age of eighteen and competent to testify. If called upon to testify in open court, I would provide the same information under oath as I am providing here by means of

this Declaration.

4. During the October 21, 2020 Boston School Committee meeting, text messages were sent by and amongst voting members of the Boston School Committee. Some of these text messages were made known to the public and the Boston Parents through a series of newspaper articles published by the *Boston Globe* on November 17-18, 2020. *See Read the Text Messages Sent After Former Boston School Chair's Racist Remarks, Boston Globe* (November 17, 2020), <https://bit.ly/3d485ju>, attached as **Attachment A**; *Text Messages Fly on Boston School Committee After Chairman's Racist Remarks, Boston Globe*, <https://bit.ly/3zQIGEQ> (November 18, 2020), attached as **Attachment B**.

5. On November 19, 2020, I electronically submitted a public records request to the City of Boston on behalf of the Boston Parents. (The substance of this public records request was quoted verbatim in the City of Boston's January 13, 2021 response. *See Attachment C* ("January 13, 2021 Response")).

6. In pertinent part, the November 19, 2020 request sought:

*Copies of all electronic communications, including emails, **text messages**, voicemails, social media messages, tweets, etc, **to and from** Superintendent Cassellius, her staff and/or assistants, and **all members of the Boston School Committee**, and all members of the Exam School Working Group regarding the Exam School Working Group, including electronic attachments to all electronic communications. Please limit your search of the above item(s) to the period **from January 1, 2018 to November 19, 2020**.*

**Attachment C** (Emphasis added).

7. On January 13, 2021, Catherine Lizotte, Legal Advisor to the City of Boston responded: "Records responsive to Request # R001023-111920 may be found here" with a link to the responsive documents. **Attachment C**. The January 13, 2021 Response comprised 213 pages of email correspondence and related attachments. No text message communications were

provided. The City of Boston did not indicate that any information was being withheld. *See generally, Attachment C.*

8. On February 23, 2021, I electronically submitted a second public records request to the City of Boston to make it clear that the text messages between the School Board Members were being requested:

*Copies of ALL electronic text messages, instant messages, and any other form of electronic communication sent and/or received, including any and all "group" messages sent and/or received by more than one of the following listed individuals, during the School Committee meeting scheduled for October 21, 2020, from the time the meeting started on 10/21/2020 until it was officially adjourned on Thursday, October 22, 2020, between and among each and all of the following: Superintendent Brenda Cassellius SC Chair Michael Loconto SC Members: Lorna Rivera Jeri Robinson Michael O'Neil Alexandra Oliver-Davila Hardin LK Coleman Quoc Tran.*

**Attachment D** (emphasis added; capitalization of “ALL” in original); (substance of February 23, 2021 request quoted verbatim in the City of Boston’s March 9, 2021 response).

9. On March 9, 2021, Catherine Lizotte responded: “Records responsive to Request 1 may be found here” with a link to the response. **Attachment D** (March 9, 2021 Response). The City of Boston did not indicate that any information was being withheld. *Id.*

10. The March 9, 2021 Response included eight (8) pages of text messages transcribed by the City of Boston. *See Attachment E.* These text messages included text messages from Vice Chairperson Alexandra Oliver-Dávila to School Board Member Lorna Rivera. *See id.* at 1, 2-3. Excerpts of these text messages were produced to the Court as Exhibit 72 to the Joint Statement of Agreed Facts. *See* Doc. 38-73.

11. On June 7, 2021, the *Boston Globe* published previously undisclosed, leaked copies of text messages between Oliver-Dávila and Rivera during the October 21, 2020 meeting. *See*

*After Sharing Racially Charged Texts about West Roxbury Families in October, a Boston School Official Has Resigned*, *Boston Globe* (June 7, 2021), <https://bit.ly/3vJpFjg>, attached as **Attachment F**; (“June 7, 2021 Boston Globe Article”); *see also* *Who Covered Up the Boston School Committee Texts*, *Boston Globe* (June 16, 2021), <https://bit.ly/3wIukmT>, attached as **Attachment G**.

12. It was only upon reading the June 7, 2021 Boston Globe Article that the Boston Parents learned that there were text messages sent amongst Boston School Committee members during the October 21, 2020 meeting that were not produced by the City of Boston in response to the Boston Parents’ repeated requests.

13. On June 9, 2021, I sent an email to the City of Boston, specifically Catherine Lizotte and Shawn Williams, Director of Public Records, reemphasizing that my November 19, 2020 and February 23, 2021 public records request sought “all of the relevant text/electronic messages” sent during the October 20, 2020 School Committee meeting, requesting that a fulsome response be provided, and seeking to understand why certain text messages were withheld from the City of Boston’s March 9, 2021 response.

14. On the same day, Shawn Williams responded that the City of Boston would “reopen your public records request and provide a new response.”

15. On June 18, 2021, Shawn Williams acknowledged that “[b]ased upon recent requests for all text messages associated with the” Boston Parents’ November 19, 2020 public records request, “the City has determined that it will provide additional text messages.”

**Attachment H.**

16. This supplemental production “consist[ed] of screenshots of text messages sent and received by the school committee members.” *Id.* Specifically, the City of Boston provided a total of 51 original screenshots received from the following Boston School Committee members:



- Vice Chairperson Alexandra Oliver-Dávila: 9 screenshots, attached as **Attachment I-1**;
- Member Lorna Rivera: 24 screenshots, attached as **Attachment I-2**;
- Member Jeri Robinson: 9 screenshots, attached as **Attachment I-3**;
- Member Michael O'Neill: 7 screenshots, attached as **Attachment I-4**; and
- Student Member Khymani James: 2 screenshots, attached as **Attachment I-5**.

17. Based on a review of these original text message communications, the City of Boston withheld relevant text messages from the Boston Parents by substantially altering and omitting the transcript of the text message communications that it did produce to the Boston Parents on March 9, 2021.

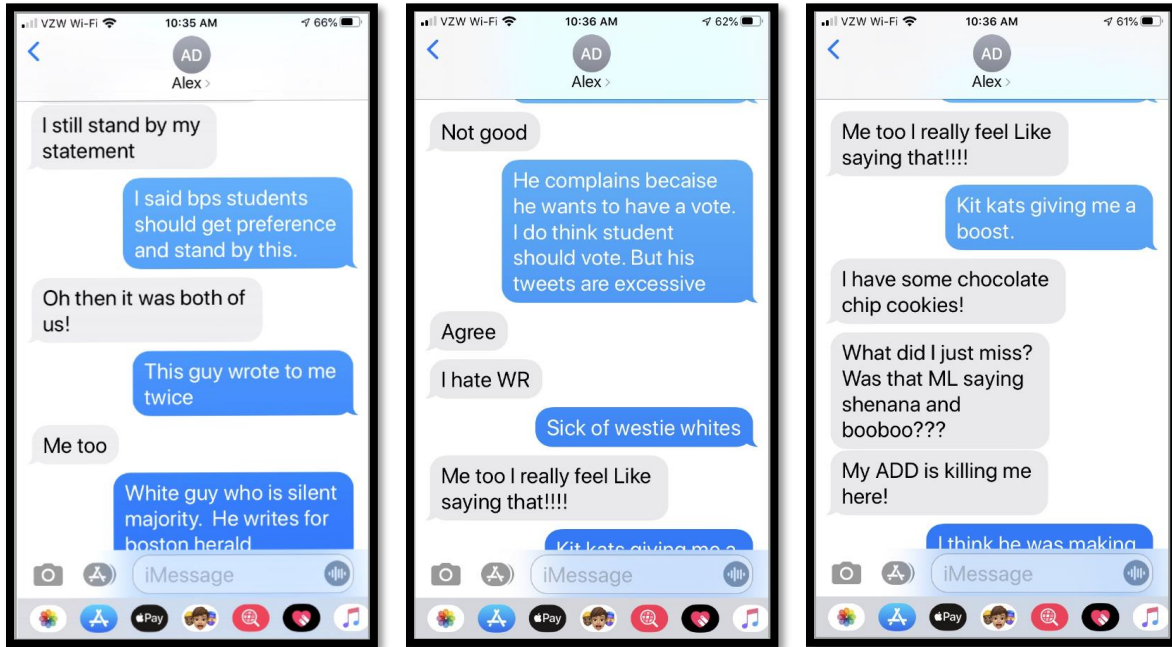
18. In this production, Lorna Rivera and Oliver-Dávila exchanged the following text messages:



See **Attachment I-2**, at 15. While parts of this text message were produced in the City of Boston's March 9, 2021 text message transcription, see **Attachment E**, at 1, the screenshot included the following text messages omitted from the transcription, specifically Lorna Rivera stating, "Wait til the white racists start yelling st [sic] us!" and Oliver-Dávila responding, "Whatever...they are

delusional.” Additionally, the screenshot provides timestamps for the text messages that were not included in the transcription. *Compare Attachment E*, at 1.

19. The City of Boston also produced the following text message between Rivera and Oliver-Dávila that were not included in the March 9, 2021 transcription.



Specifically, the text message string beginning “This guy wrote to me twice” (**Attachment I-2**, at 18) through “I have some chocolate chip cookies” (**Attachment I-2**, at 20) were not produced. Between these two bookends are the Boston School Committee members’ statements showing racial animus:

**Oliver-Dávila:** I hate WR

**Lorna Rivera:** Sick of westie whites

**Oliver-Dávila:** Me too I really feel Like saying that!!!!

**Attachment I-2**, at 19. Based upon statements in the June 7, 2021 Boston Globe Article, it is my understanding that “WR” and “westies” are references to “West Roxbury.” *See Attachment F*.

20. Instead of producing the above-referenced text messages, the City of Boston used an ellipsis:

LR - I said BPS students should get preference and stand by this.

AOD - Oh then it was both of us!

\*\*\*\*\*

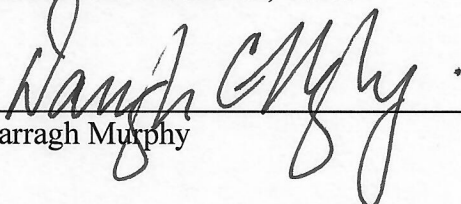
AOD - What did I just miss? Was that ML saying Shannana and booboo??? My ADD is killing me here!

LR - I think he was making fun of the Chinese names! Hot mic!!!

**Attachment E**, at 2. As stated above, the March 9, 2021 Response did not indicate that any information was being withheld. *Supra*, at ¶¶ 7, 9.

21. Following the publication of the above-referenced text messages, Chairperson Alexandra Oliver-Dávila (who assumed Michael Loconto's role as Chair) resigned from the Boston School Committee on June 7, 2021 and School Board Member Lorna Rivera resigned from the Boston School Committee on June 4, 2021.

Given under penalty of perjury in the City of Boston on June 22, 2021.

  
Darragh Murphy

# Attachment A

## Read the text messages sent after former Boston School Committee chair's racist remarks

bostonglobe.com

November 17, 2020 Tuesday 10:44 PM EST

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**Section:** K-12

**Length:** 692 words

**Byline:** James *Vaznis*

### Body

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#### ABSTRACT

"Was that ML saying Shannana and booboo???" Alexandra Oliver-Davila, vice chair at the time, wrote in a text to member Lorna Rivera obtained by the Globe.

#### FULL TEXT

Link to Image

The Globe obtained the below text messages through a public records request submitted after the last meeting of the Boston School Committee in October.

#### Wednesday, Oct. 21 - time unclear

Text conversation between Alexandra Oliver-Davila (AOD), then vice-chair of the Boston School Committee and now acting chair, and Lorna Rivera (LR), Boston School Committee member

AOD: *What did I just miss? Was that ML saying Shannana and booboo??? My ADD is killing me here!*

LR: *I think he was making fun of the Chinese names! Hot mic!!!*

AOD: *That's what I thought. Omfg he's gonna get killed someone is going to go back and capture that*

LR: *I almost laughed out loud. Getting giddy here!*

*Someone already captured Brenda on cell in twitter (?)!*

AOD: *I've been getting some funny tweets tonight it's hard not to smile or laugh. Yikes.*

LR: *Dios mia!!*

AOD: *No comment*

LR: *People tweeting about loconto hot mic!!*

*Anissa said WTF!* [LR was referring to City Councilor Anissa Essaibi-George]

AOD: *Oh no! It's gonna be ugly*

Read the text messages sent after former Boston School Committee chair's racist remarks

LR: *Someone texted me Loconto should resign, but I don't have them in my contacts*

AOD: *Oh boy How/where do I look on Twitter - sorry I'm old I'm not good at twitter*

LR: *Send me your handle and I will forward some*

*Or look up Anissa tweets*

AOD: *Alexoliver 33*

*Do we acknowledge the apology? What do we do??*

LR: *Did you see some of the tweets? I feel bad for loconto. Is he going to resign??*

AOD: *I feel bad too because he really was the person who pushed this forward with the Mayor*

*Idk if he will do it or not*

*I am not going to interrupt (?) him! Let him have his time. He needs it.*

LR: *Trying to redeem himself - [winking emoji]*

*Good night!*

AOD: *Good night.*

LR: *Good morning, actually!*

\*\*\*\*\*

**Wednesday, Oct. 21 - time unclear**

Text conversation between Michael Loconto (ML), former chair of the Boston School Committee, and Alexandra Oliver-Davila (AOD)

ML: *Do I need to worry about my non-sequitur earlier? I feel awful, I've been getting texts about it from Michael and Brenda.*

AOD: *I heard [end] and not whole thing. I think Anissa commented on it. I think be prepared just in case I'm sorry this all stinks!*

ML: *Ugh*

*Jeez*

*On twitter?*

AOD: *I know.*

*I'm sorry.*

*Yes.*

ML: *Oh God no*

*I don't know what to do*

AOD: *I think just again apologize. What does MO suggest? [AOD was referring to member Michael O'Neill.]*

Read the text messages sent after former Boston School Committee chair's racist remarks

ML: *Asking*

AOD: *I think that was good*

ML: *Jesus I am mortified*

AOD: *I know I'm very sorry*

*Do you want me to acknowledge your apology and say thanks or just leave it alone?*

ML: *I don't know*

\*\*\*\*\*

**Wednesday, Oct. 21 - time unclear**

Text conversation between Michael O'Neill (MON), member and former chair of Boston School Committee, and Michael Loconto (ML)

MON: *What the heck was your last comment/your mic was on. Hope you were talking to your daughter about a bedtime book. Sha boo. Boo boo boo?*

ML: *Geez I'm sorry I was talking to my wife about a kid's book*

MON: *Thought so, but it came out real weird!*

ML: *Should I address?*

MON: *You did it right.*

ML: *I'm mortified if someone took it another way, Brenda mentioned it too and said someone else texted her about it*

MON: *It was right after Liz read a bunch of names, could have been interpreted that you were commenting on the names. I knew you would never do that, assumed one of your daughters was saying good night. Glad you cleared it up right away. Don't worry about it any more.*

MON: *How far along are we?*

ML: *Ok thanks. I realized that after I got the text. I feel awful.*

ML: *We are on 159. 20 to go.*

MON: *You corrected very quickly. Regular watchers know your daughters always say goodnight to you.*

ML: *Anissa tweeting about it. I don't know what to do*

ML: *Am I ok? I hope I put that to bed.*

MON: *Please put me last, before VC and you, but after the other members.*

ML: *Of course, assumed as much.*

MON: *Let's vote!*

\*\*\*\*\*

**Wednesday, Oct. 21 - 11:31 p.m.**

Read the text messages sent after former Boston School Committee chair's racist remarks

Text conversation between Michael O'Neill (MON) and Brenda Cassellius (BC), Boston Public Schools superintendent

BC: *Yikes.*

## Graphic

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Former Boston School Committee Chairperson Michael D. O'Neill, at right, turns over the gavel to Michael Loconto who was elected as the new Boston School Committee chair in 2018.

**Load-Date:** November 18, 2020

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End of Document



# Attachment B

6/22/2021

Text messages fly on Boston School Committee after chairman's racist remarks - The Boston Globe

● **BREAKING**

MASSACHUSETTS HITS MILESTONE  
OF 4.1 MILLION PEOPLE FULLY  
VACCINATED

BREAKING: MASSACHUSETTS HITS  
MILESTONE OF 4.1 MILLION PEOPLE  
FULLY VACCINATED

# Text messages fly on Boston School Committee after chairman's racist remarks

By **James Vaznis** Globe Staff, Updated November 17, 2020, 5:39 p.m.



Former Boston School Committee chair Michael Loconto in 2018. BARRY CHIN/GLOBE STAFF/FILE

As a contentious Boston School Committee meeting on Zoom last month approached

<https://www.bostonglobe.com/2020/11/17/metro/text-messages-fly-boston-school-committee-after-chairmans-racist-remarks/>

1/6

6/22/2021

Text messages fly on Boston School Committee after chairman's racist remarks - The Boston Globe

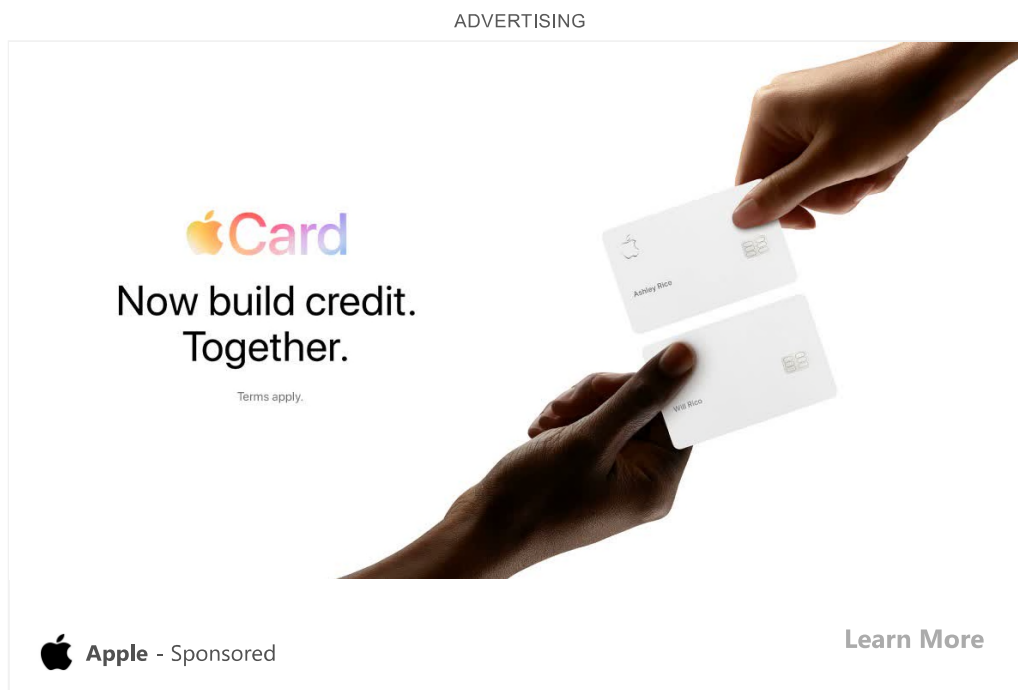
midnight, Chair Michael Loconto clicked off his camera, but accidentally left his microphone on. Within seconds, he could be heard [mocking the Asian names](#) of some upcoming speakers, remarks that set Twitter aflutter and reverberated around City Hall the next day.

His fellow School Committee members, stunned and confused by what they heard, sat nearly frozen in front of their cameras. One member initially thought the meeting had been Zoom bombed. But then, some members realized what had happened and started texting in disbelief.

“Was that ML saying Shannana and booboo???” Alexandra Oliver-Davila, vice chair at the time, [wrote in a text](#) to member Lorna Rivera obtained by the Globe.

Rivera fired back: “I think he was making fun of the Chinese names! Hot mic!!!”

“That’s what I thought,” Oliver-Davila responded. “He’s gonna get killed.”



[The uproar came swiftly.](#) City Councilor Annissa Essaibi-George tweeted while other School Committee viewers piled on. Essaibi-George and other councilors eventually

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Text messages fly on Boston School Committee after chairman's racist remarks - The Boston Globe

called for his resignation. By noon the next day, Loconto stepped down.

The School Committee, which is appointed by Mayor Martin J. Walsh, has not met since Loconto's downfall, and public comment has been scant. But text messages sent by members during that night, which were obtained by the Globe under a public records request, reveal the raw emotions and reactions they had to the offensive remarks that shook the Asian-American community and left a cloud over the School Committee and a landmark vote that night.

It was an awkward moment for members who were participating in the meeting from their homes with computer cameras focused tightly on their faces. Nearly seven hours into the Oct. 21 meeting, exhausted members seemed to struggle to comprehend how a political leader who was on the verge of shepherding through a historic change that would provide Black and Latino applicants greater access to the exam schools could at the same time disrespect another community of color.

School Committee members in interviews condemned the mocking.

"It was a hurtful comment," said Oliver-Davila, who is now acting chair. "I had worked with Michael Loconto for a long time. I got to know him as a man of integrity. I was sad about the comment for the Asian community. I was sad for Mr. Loconto. It was an inexcusable comment."

But she added that she hoped his remarks wouldn't overshadow his efforts to improve the school system.

Loconto, reached by text message, declined to comment.

Committee members' use of their cellphones for texting and other digital communications during their meetings has long raised eyebrows among many parents, educators, and activists, who have questioned whether members are distracted by personal matters or conversing with one another.

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Text messages fly on Boston School Committee after chairman's racist remarks - The Boston Globe

State law does not explicitly forbid public board members from texting each other during public meetings when less than a quorum is conversing digitally, according to the state attorney general's website. But the office discourages the practice if members do not share the written communications publicly.

None of the text messages provided to the Globe indicate that members were using texts to deliberate on the exam-school proposal. Rather, the communications initially captured the jubilation of making a temporary, but seismic, change in how exam school seats would be awarded and then the fallout from Loconto's comments.

The School Committee was considering a highly contentious proposal by Superintendent Brenda Cassellius to temporarily suspend the admission test for the exam schools because of safety concerns over administering an in-person test during a pandemic. Instead, admission next year will be based almost exclusively on student grades and most seats will be distributed by student ZIP code, prioritizing low-income areas.

The change, approved at nearly 2 a.m., generated wide-ranging reactions. Championed by civil rights advocates and progressive-minded parents, the proposal also garnered intense opposition from many Asian and white parents, whose children would face tougher odds of getting in.

It was the kind of polarizing change that Walsh had sought to avoid during his seven years in office. But in an unusual move, Walsh appeared at the School Committee meeting on Zoom and threw his support behind it, citing the pandemic.

Walsh was among nearly 200 supporters and opponents who testified. At about 11:30 p.m., Loconto mocked the Asian names after the next speakers were announced.

"That was like Shania, Shanaya, Shanay-nay, and Boo Boo, and David, right?" Loconto said.

Cassellius fired off a text to member Michael O'Neill: "Yikes!"

6/22/2021

Text messages fly on Boston School Committee after chairman's racist remarks - The Boston Globe

Soon Loconto felt the blowback.

“Do I need to worry about my non-sequitur earlier?” Loconto texted to Oliver-Davila. “I feel awful, I’ve been getting texts about it from Michael and Brenda.”

She told him Essaibi-George was publicly criticizing him.

“Ugh Jeez On twitter?” Loconto texted back.

“I know. I’m sorry. Yes,” she said.

“Oh God no I don’t know what to do,” he said.

“I think just again apologize,” she wrote.

O’Neill, the committee’s longest serving member, reached out to Loconto.

“What the heck was your last comment/your mic was on. Hope you were talking to your daughter about a bedtime book. Sha boo. Boo boo boo?” O’Neill wrote, apparently referencing a children’s song by Marky Weinstock.

“Geez sorry I was talking to my wife about a kid’s book,” Loconto said.

“Thought so, but it came out real weird!” O’Neill responded.

“I’m mortified if someone took it another way,” Loconto added after a couple of other texts. “Brenda mentioned it too and said someone else texted her about it.”

In explaining his remarks to the committee’s virtual audience, Loconto initially used the children’s book excuse. But Twitter kept buzzing, prompting Loconto to apologize again.

At one point in a text to O’Neill, Loconto wrote: “Am I ok? I hope I put that to bed.”

The next day Loconto issued another apology, saying he deeply regretted his actions.

O’Neill said in an interview he didn’t realize until after he rewatched the meeting the next day exactly what Loconto said and how hurtful the remarks were.

6/22/2021

Text messages fly on Boston School Committee after chairman's racist remarks - The Boston Globe

“He made a mistake, he owned up to it, and he resigned,” O’Neill said. “He is paying a heavy price for it.”

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James Vaznis can be reached at [james.vaznis@globe.com](mailto:james.vaznis@globe.com). Follow him on Twitter [@globevaznis](https://twitter.com/globevaznis).

[Show 139 comments](#)

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# Attachment C





**BOSTON PUBLIC SCHOOLS**  
**OFFICE OF LEGAL ADVISOR**  
Martin J. Walsh, Mayor

1/13/21

RE: PUBLIC RECORDS REQUEST of November 19, 2020, Reference #s:

#R001025-111920  
#R001024-111920  
#R001023-111920  
#R001021-111920  
#R001020-111920  
#R001019-111920

Dear Ms. Murphy:

The City of Boston (City) has received your request for public records. This response applies only to records that exist and are in the custody of the City. See A Guide to the Massachusetts Public Records Law, p. 32, n.115. It is expected that a custodian of records must use her superior knowledge of her records with respect to responses to public records requests. 950 CMR 32.04(5). Below, please find your specific requests and BPS's responses in blue.

#R001025-111920:

*Copies of all data sets, spreadsheets, formulas, algorithms, calculations, instructions, rubrics, and guidelines used by the Superintendent's Exam School Working Group to identify the number of school aged children in each Boston ZIP code, the median income of each Boston ZIP code, and the allocation of exam school seats per Boston ZIP code, including copies of all simulations run by the Exam School Working Group, the Superintendent's Office, the Boston Public School department, and the Boston School Committee, and all electronic communication to and from all members of the Exam School Working Group, the Superintendent, the Boston School Committee, the Mayor's Office, the Boston City Council, and Boston Public Schools offices, regarding the work of the Exam School Working group, its data and findings, and the simulations.*

*Please limit your search of the above item(s) to the period from January 1, 2020 to November 19, 2020.*

Records responsive to Request #R001025-111920 may be found [here](#), [here](#), and [here](#).

#R001024-111920:

*Copies of all formulas, algorithms, calculations, instructions, rubrics, and guidelines used by the Boston Public Schools to convert, analyze, and standardize Grade Point Averages (GPA's) for all 6th grade applicants to Boston Latin Academy, the O'Bryant School, and Boston Latin School. Please limit your search of the above item(s) to the period from January 1, 2017 to November 19, 2020.*

Records responsive to Request # R001024-111920 may be found [here](#).

#R001023-111920:

*Copies of all electronic communications, including emails, text messages, voicemails, social media messages, tweets, etc, to and from Superintendent Cassellius, her staff and/or assistants, and all members of the Boston School Committee, and all members of the Exam School Working Group regarding the Exam School Working Group, including electronic attachments to all electronic communications. Please limit your search of the above item(s) to the period from January 1, 2018 to November 19, 2020.*

Records responsive to Request # R001023-111920 may be found [here](#).

#R001021-111920:

*ISEE exam scores and Grade Point Averages (GPA's) for school year 2019/2020 of all 6th grade students who did NOT receive invitations for School Year 2020/2021 to Boston Latin Academy, the O'Bryant School, and Boston Latin School, de-identified, with the name of the exam school to which each applicant was NOT invited to attend, the sending school name, and the ZIP code of each applicant.*

#R001020-111920:

*ISEE exam scores and Grade Point Averages (GPA's) for school year 2019/2020 of all 6th grade students admitted for School Year 2020/2021 to Boston Latin Academy, the O'Bryant School, and Boston Latin School, de-identified, with the name of the exam*

*school to which each applicant was invited to attend, the sending school name, and the ZIP code of each applicant.*

#R001019-111920:

*Grade Point Averages (GPA's) for school year 2019/2020 of all 6th grade students admitted for School Year 2020/2021 to Boston Latin Academy, the O'Bryant School, and Boston Latin School, de-identified, with sending school name and ZIP code of each applicant.*

Records responsive to requests #R001019, 1020, and 1021 may be found [here](#).

### ***Redactions***

Please note that student record information and personal emails, phone numbers, and addresses have been redacted.

### ***Conclusion***

You may appeal this response to the Supervisor of Records in the Office of the Secretary of the Commonwealth. G.L. c. 66, § 10A (c); G.L. c. 66, § 10(b)(ix); 950 CMR 32.08; 950 CMR 32.08(1)(h) (in petitioning the Supervisor, the requester shall provide a copy of such petition to the records access officer associated with such petition). You may also appeal to the Superior Court. 950 CMR 32.06(3)(c).

Sincerely,



Catherine Lizotte  
Legal Advisor  
(617) 635-9250

# Attachment D



**BOSTON PUBLIC SCHOOLS**  
**OFFICE OF LEGAL ADVISOR**  
Martin J. Walsh, Mayor

3/9/21

RE: PUBLIC RECORDS REQUEST of February 23, 2021

Reference #:

#R000337-022321

Dear Ms. Murphy:

The City of Boston (City) has received your request for public records. This response applies only to records that exist and are in the custody of the City. See A Guide to the Massachusetts Public Records Law, p. 32, n.115. It is expected that a custodian of records must use her superior knowledge of her records with respect to responses to public records requests. 950 CMR 32.04(5). Below, please find your specific requests and BPS's responses in blue.

1. *Copies of ALL electronic text messages, instant messages, and any other form of electronic communication sent and/or received, including any and all "group" messages sent and/or received by more than one of the following listed individuals, during the School Committee meeting scheduled for October 21, 2020, from the time the meeting started on 10/21/2020 until it was officially adjourned on Thursday, October 22, 2020, between and among each and all of the following: Superintendent Brenda Cassellius SC Chair Michael Loconto SC Members: Lorna Rivera Jeri Robinson Michael O'Neil Alexandra Oliver-Davila Hardin LK Coleman Quoc Tran.*

Records responsive to request 1 may be found [here](#).

2. *List of students who currently comprise the applicant pool for incoming school year 2021/2022 for the three exam schools (Boston Latin School, Boston Latin Academy, John D O'Bryant School), de-identified and sorted by GPA.*

There are no records responsive to request 2.

3. *All of the Grade Point Averages sorted by Zip Code of the students, de-identified, who currently comprise the applicant pool for incoming school year 2021/2022 for the three exam schools (Boston Latin School, Boston Latin Academy, John D O'Bryant School). Please provide the list by zip code. For example: Zip Code 02122: List all the GPA's of the de-identified students currently comprising the applicant pool who reside in Zip Code 02122. Zip Code 02126: List all the GPA's of the de-identified students currently comprising the applicant pool who reside in Zip Code 02126. And so on until every Zip Code in the City of Boston is included in the response, including Zip Codes for which there are no applicants in the pool and Zip Codes in which there are fewer than 10.*

There are no records responsive to request 3.

4. *Written transcript of the entire School Committee meeting held on October 21, 2020 which adjourned on Thursday, October 22, 2020.*

There are no records responsive to request 4.

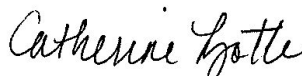
5. *Written transcript of the entire School Committee meeting held on October 8, 2020.*

There are no records responsive to request 5.

### **Conclusion**

You may appeal this response to the Supervisor of Records in the Office of the Secretary of the Commonwealth. G.L. c. 66, § 10A (c); G.L. c. 66, § 10(b)(ix); 950 CMR 32.08; 950 CMR 32.08(1)(h) (in petitioning the Supervisor, the requester shall provide a copy of such petition to the records access officer associated with such petition). You may also appeal to the Superior Court. 950 CMR 32.06(3)(c).

Sincerely,



Catherine Lizotte  
Legal Advisor  
(617) 635-9250

# Attachment E

(Text messages presented in italics)

Transcription of Text Messages Responsive to Public Records Request (R000876-102720)

**Wednesday, October 21, 2020**

**5:46 p.m.**

**“SA” and Lorna Rivera (LR)**

SA - Lorna, as a member of the Exam School Working Group, thanks for your support. *Mil gracias licenciada.*

LR - *Your efforts made this possible! Mil gracias!*

SA - *A la orden siempre, Lorna.*

LR - *Iguamente! (emoji smiley face)*

\*\*\*\*\*

**[time?]**

**Lorna Rivera (LR) and Alexandra Oliver-Davila (AOD)**

AOD - *Sure! Hi by law Chair sets agenda and we can't vote on anything Superintendent hasn't had a chance to respond to. He suggest talking to ML and asking him to add to the agenda for next time. We have 170 people speaking tonight so honestly this is probably not the best time to do it even if we could.*

LR - *Ok wow 170!?! I don't know if I will be able to stay awake. I am too old for this job.*

LR - *Hi I calculated 170 people \*3=510/60 min=8.5 hours. Is this for real? Can't we end at a certain time? Are we allowed to take breaks? I am sorry to complain.*

AOD - *Yup it's real. 2 min each but will be a very long mtg*

AOD - *I think take breaks as you need them.*

\*\*\*\*\*

AOD - *Best sc meeting ever I am trying not to cry*

LR - *Me too!*

LR - *Why can't we get interpretation/translation right? Why does language access have to be so hard?*

AOD - *When I was on the meeting that explained the proposed policy people got to choose to go into a room to get the whole meeting translated - at least that is how I understood it*

LR - *Should I ask Dr. C what the heck?*

AOD - *Sure you can text her.*

\*\*\*\*\*

**[time?]**

**Lorna Rivera (LR) and Brenda Cassellius (BC)**



(Text messages presented in italics)

LR - Hi why is interpretation a continuing problem for some of our communities? I hope we can improve.

BC - We had Cantonese and I just asked Monica. This is the purview out the Committee. I suggested to Monica that if we have over a certain number of participants that we automatically default to all 10 languages but I think to provide it for SC it requires them to request it. Maybe bring it up to Mike.

BC - I can change for my team though!

LR - I will. I know there is so much going on. I really do appreciate your hardwork!

BC - [screenshot of Gchat from staff member that reads, "I believe SC only requests interpreters for public comment based on who signs up for public comment. It would be good to revisit that decision."]

LR - Thanks!

\*\*\*\*\*

**[time?]**

**Lorna Rivera (LR) and Alexandra Oliver-Davila (AOD)**

\*\*\*\*\*

**[time?]**

AOD - I still stand by my statement.

LR - I said BPS students should get preference and stand by this.

AOD - Oh then it was both of us!

\*\*\*\*\*

AOD - What did I just miss? Was that ML saying Shannana and booboo??? My ADD is killing me here!

LR - I think he was making fun of the Chinese names! Hot mic!!!

AOD - That's what I thought. Omfg he's gonna get killed someone is going to go back and capture that

LR - I almost laughed out loud. Getting giddy here!

Someone already captured Brenda on cell in twitter (?)!

AOD - I've been getting some funny tweets tonight it's hard not to smile or laugh.

Yikes.

LR -Dios mia!!

AOD - No comment

LR - People tweeting about loconto hot mic!!

Anissa said WTF!

AOD- Oh no! It's gonna be ugly

(Text messages presented in italics)

LR - Someone texted me Loconto should resign, but I don't have them in my contacts

AOD - Oh boy How/where do I look on Twitter - sorry I'm old I'm not good at twitter

LR - Send me your handle and I will forward some

Or look up Anissa tweets

AOD - Alexoliver 33

Do we acknowledge the apology? What do we do??

LR - Did you see some of the tweets? I feel bad for loconto. Is he going to resign??

AOD - I feel bad too because he really was the person who pushed this forward with the Mayor

Idk if he will do it or not

AOD - I am not going to interrupt (?) him! Let him have his time. He needs it.

LR - Trying to redeem himself - [winking emoji]

Good night!

AOD - Good night.

LR - Good morning, actually!

\*\*\*\*\*

**Wednesday, October 21, 2020**

**10:34 p.m.**

**Lorna Rivera (LR) and Michael Loconto (ML)**

LR - Hi can you tell me how many more people left to testify? I couldn't find the spreadsheet in google

ML - 77 to go, many falling off

\*\*\*\*\*

**[time?]**

LR - Hi can you tell me if angie camacho is on the list and what number?

ML - yes she is #168, we are on 145

LR - Thanks.

\*\*\*\*\*

**[time?]**

**Michael Loconto (ML) and Alexandra Oliver-Davila (AOD)**

ML- Do I need to worry about my non-sequitur earlier? I feel awful, I've been getting texts about it from Michael and Brenda.

(Text messages presented in italics)

AOD - I heard *[end]* and not whole thing. I think Anissa commented on it. I think be prepared just in case I'm sorry this all stinks!

ML - Ugh

Jeez

On twitter?

AOD - I know.

I'm sorry.

Yes.

ML - Oh God no

I don't know what to do

AOD - I think just again apologize. What does MO suggest?

ML - Asking

AOD - I think that was good

ML - Jesus I am mortified

AOD - I know I'm very sorry

Do you want me to acknowledge your apology and say thanks or just leave it alone?

ML - I don't know

\*\*\*\*\*

**Wednesday, October 21, 2020**

**6:00 p.m.**

**"Marty" [Boston Mayor Marty Walsh] (MW) and Jeri Robinson (JR)**

MW - Good luck

JR - Glad we're remote. Lots of passion. Wish there was as much passion and concern for the rest of our 52,000 students and 122 schools and not just the select three.

Marty - I agree with you.

\*\*\*\*\*

**[time?]**

**Jeri Robinson (JR) and Alexandra Oliver-Davila (AOD)**

JR - Yes

**6:27 p.m.**

(Text messages presented in italics)

AOD – *What a great (unclear) totally trying not to cry, best meeting ever.*

JR – *So true. So proud of the Mayor*

AOD – *Me too, but we need to push because he said it was one year in his comments – we should call him and thank him so he knows where we stand.*

JR – *True. I did text and thank him at the conclusion of his remarks.*

AOD – *That's great.*

\*\*\*\*\*

**6:53 p.m.**

**Sonia Barney Gomez (SBG), Josette Williams (JR) and Jeri Robinson (JR)**

SBG – *Jeri how excited I'm for you. This is like doing the impossible. Waiting for the vote.*

JR – *Yes. Amazing what can happen during a pandemic. There are over 800 folks watching. Wish there was as much concern about all of our kids and schools.*

SBG – *Yes. Baby steps. I believe this is historic. I'm hoping community partners come in to support students to make sure our students succeed*

JW – *I'm holding on. Either way, folks are really showing their true colors!!! This city is never ready for real change but time has come.*

SBG – *I just told Monica we need to start scheduling our community meetings to make sure we have parent voices to [unclear] the changes permanent for next year.*

\*\*\*\*\*

**10:05 p.m.**

**Jeri Robinson (JR) and Michael Loconto (ML)**

JR – *what number are we up to?*

ML – *84. People starting to drop off now.*

\*\*\*\*\*

**11:00 p.m.**

**“SA” and Jeri Robinson (JR)**

SA – *How are you holding out Jeri. Looking pretty tired...*

JR – *I am. We still have about 70 speakers.*

SA – *that's 2 plus hours by my reckoning.*

JR – *Tulane [sic?] without our vote, so about 2 am.*

JR – *Some folks are dropping off, let's hope more do.*

(Text messages presented in italics)

\*\*\*\*\*

**Wednesday, October 21, 2020**

**[time?]**

**Alexandra Oliver-Davila (AOD) and Brenda Cassellius (BC)**

AOD - *Best meeting ever. Trying not to cry. What a great letter.*

BC - *Yup. I asked him to write it and I asked Tanisha to read it. Powerful.*

AOD - *Great idea!*

6:28 p.m.

BC - *Speak it.*

AOD - *Amen!*

\*\*\*\*\*

**Wednesday, October 21, 2020**

5:27 p.m.

**Michael O'Neill (MON) and Michael Loconto (ML)**

MON - *You should mention Khymani was on the national student panel last week.*

ML - *[thumbs up emoji]*

MON - *He was excellent and made us BPS Proud.*

ML - *[thumbs up emoji]*

**[time?]**

MON - *What the heck was your last comment/your mic was on. Hope you were talking to your daughter about a bedtime book. Sha boo. Boo boo boo?*

ML - *Geez I'm sorry I was talking to my wife about a kid's book*

MON - *Thought so, but it came out real weird!*

ML - *Should I address?*

MON - *You did it right.*

ML - *I'm mortified if someone took it another way, Brenda mentioned it too and said someone else texted her about it*

\*\*\*\*\*

MON - *It was right after Liz read a bunch of names, could have been interpreted that you were commenting on the names. I knew you would never do that, assumed one of your daughters was saying good night. Glad you cleared it up right away. Don't worry about it any more.*

(Text messages presented in italics)

MON - *How far along are we?*

ML - *Ok thanks. I realized that after I got the text. I feel awful.*

ML - *We are on 159. 20 to go.*

MON - *You corrected very quickly. Regular watchers know your daughters always say goodnight to you.*

ML - *Anissa tweeting about it. I don't know what to do*

ML - *Am I ok? I hope I put that to bed.*

MON - *Please put me last, before VC and you, but after the other members.*

ML - *Of course, assumed as much.*

MON - *Let's vote!*

\*\*\*\*\*

**6 43 p.m.**

**Michael O'Neill (MON) and Khymani James (KJ) (student member)**

KJ - *Are you comfortable on the logistics behind transferring elementary school grades to letter grades? I'm confused on that part and don't want to ask publicly if I can get a behind the scenes answer.*

MON - *I suggested last week and will suggest again tonight they bring in a 3rd party to oversee/work with BPS on the process. They do have a method to convert BPS grades to a 12 point system, based on the specific 1-4 grades in certain subjects. They have had to do it for years as GPA is already 50% of the criteria. But I would prefer independent oversight to build trust.*

KJ - *Ahhh I see*

**Thursday, October 22, 2020**

**12 29 a.m.**

MON - *Well done. Very well done.*

KJ - *Thank you, Mr. O'Neill.*

\*\*\*\*\*

**Wednesday, October 21, 2020**

**Michael O'Neill (MON) and Brenda Cassellius (BC)**

**11 31 p.m.**

BC - *Yikes.*

**Thursday, October 22, 2020**

**1 47 a.m.**

(Text messages presented in italics)

BC - *Remember I talked about that in my interview.*

MON - *(thumbs up sign)*

BC - *Thank you.*

MON - *(thumbs up sign)*

MON - *Congrats.*

\*\*\*\*\*

**Wednesday, October 21, 2020**

**6:19 p.m.**

**Khymani James (KJ) and Alexandra Oliver-Davila (AOD)**

AOD - *Great points. Thank you for message to fellow students. Sooo important!*

KJ - *Thank you, Ms. Oliver-Davila!!!*

AOD - *You are welcome! Keep asking your great questions!*

KJ - *Quick question. Is what is being voted on tonight called a "proposal" or a "policy"*

AOD - *proposed policy*

KJ - *Thank you!*

AOD - *Sure!*

**11:19 p.m.**

KJ - *Wow -I had to turn my camera off because of my facials.*

AOD - *That's a great strategy!*

AOD - *You are a trooper staying late!*

KJ - *Thanks Vice Chair. Trying my best to pull through!*

AOD - *Also you can leave! Everyone will understand because you have school tomorrow - past BSAC members have left around 9 pm*

KJ - *Yes, I am aware! Thank you - I told myself at the beginning of the year that I would attend all hours of the meeting since they're so important and only every other week.*

AOD - *You are a trooper! Hope your teachers give you a break on Thursday mornings*

KJ - *Me too! [smiling emoji]*

# Attachment F



6/22/2021

After sharing racially charged texts about West Roxbury families in October, a Boston school official has resigned - The Boston Globe

## THE GREAT DIVIDE

# After sharing racially charged texts about West Roxbury families in October, a Boston school official has resigned

By [Bianca Vázquez Toness](#) and [Felicia Gans](#) Globe Staff, Updated June 7, 2021, 9:21 p.m.

6/22/2021

After sharing racially charged texts about West Roxbury families in October, a Boston school official has resigned - The Boston Globe



Boston school committee member Lorna Rivera resigned after racially charged texts she sent during the October meeting were about to be made public. BOSTON PUBLIC SCHOOLS

*The Great Divide is an investigative team that explores educational inequality in Boston and statewide. [Sign up](#) to receive our newsletter, and send ideas and tips to [thegreatdivide@globe.com](mailto:thegreatdivide@globe.com).*

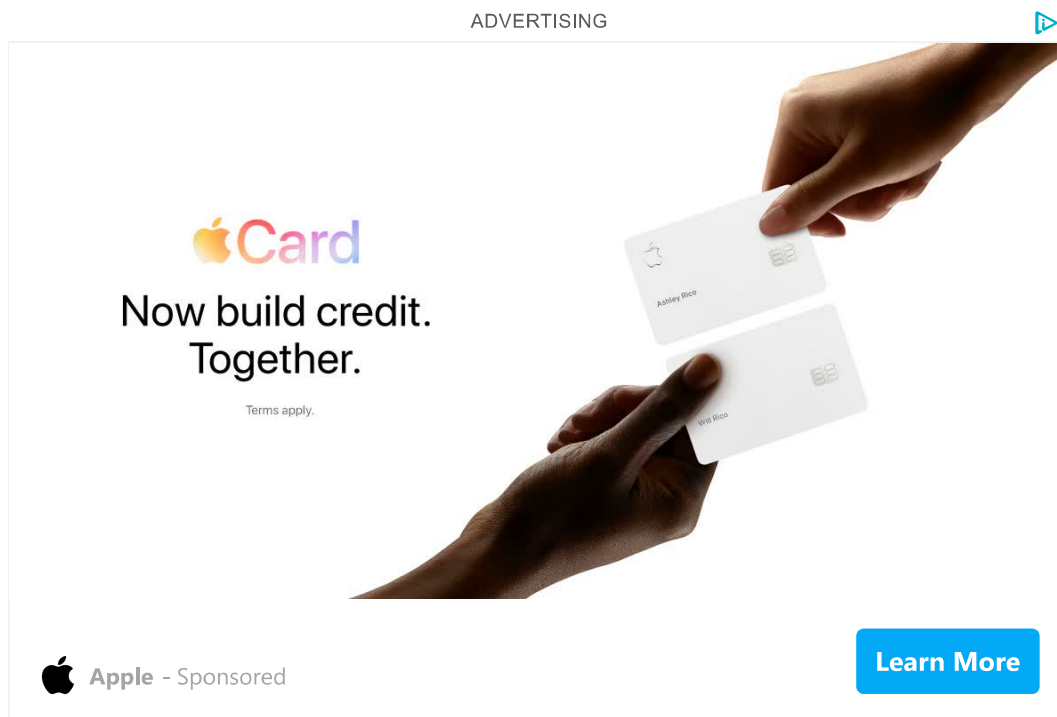
6/22/2021

After sharing racially charged texts about West Roxbury families in October, a Boston school official has resigned - The Boston Globe

A second Boston School Committee member has resigned due to racially charged observations made about parents during a lengthy public hearing last year about the exam school admissions process.

“Sick of Westie whites,” Lorna Rivera texted, referring to the Boston West Roxbury neighborhood, according to a transcript. Rivera is a professor of women’s studies at the University of Massachusetts Boston and Latina. She resigned her position on the committee Friday after the texts she sent during the October meeting were about to be made public.

“Wait until the white racists start yelling at us,” Rivera texted at another moment. “Whatever. They’re delusional,” replied Chairwoman Alexandra Oliver-Dávila.



The texts, [shared on Monday with the Globe columnist Marcela García](#), were part of a back-and-forth with Oliver-Dávila, but were withheld from the Globe when the newspaper requested texts and e-mails shared among School Committee members during the October Zoom meeting. That omission appears to break public records law

6/22/2021

After sharing racially charged texts about West Roxbury families in October, a Boston school official has resigned - The Boston Globe

though it's unclear whether the records were kept secret by school district or officials in the mayor's office.

The texts were sent the same night former School Committee chairman Michael Loconto was caught on Zoom making comments to his wife that seemed to [make fun of the Asian names of people lined up for public comment](#). Later during that meeting, the School Committee — shepherded by Loconto — passed one of the biggest changes in decades to its admissions process for its elite exam schools.

It's a change that ultimately led to [more students of color gaining admission](#) this fall to Boston Latin School, Boston Latin Academy, and the John D. O'Bryant School of Mathematics and Science. The change also caused fewer students from West Roxbury to gain admission to Boston's coveted exam schools, according to admissions data released last month. West Roxbury parents, among others, have protested the change.

Oliver-Dávila, who is also Latina, told García she plans to stay on the committee, despite comments she traded with Rivera. "I hate WR," she texted to Rivera, also about West Roxbury.

Oliver-Dávila did not respond to texts or calls Monday seeking to further understand her decision.

It's not clear why the texts between these two School Committee members only are coming to light now.

The day after the Oct. 21 meeting, the Globe requested all e-mails and texts among School Committee members about BPS matters exchanged during the meeting. The district soon shared a transcript of dozens of messages, including some messages between Rivera and Oliver-Dávila. However, the texts between the two women about West Roxbury were excluded. The document didn't indicate that messages had been redacted.

6/22/2021

After sharing racially charged texts about West Roxbury families in October, a Boston school official has resigned - The Boston Globe

Rivera and Oliver-Dávila told García, however, that they complied with the law and shared these messages with the school department in October in response to the Globe's public records request.

Boston Public Schools officials wouldn't explain exactly why these messages were withheld.

"Whenever there is a request for records held on a private device, we have to analyze whether the records pertain to public business," Xavier Andrews, Boston Public Schools director of communications, wrote in an e-mail Monday. "That analysis was done and records responsive to the request were provided."

Boston school officials referred questions about the decision to omit these texts to the city's legal department, which didn't respond to an e-mail seeking comment.

In Massachusetts, under public records law, agencies have a responsibility to tell the person who requested the records if anything has been redacted — and why, said Justin Silverman, executive director of the New England First Amendment Coalition.

"The law works in a way where the requester is never — should never be — unaware that there is information missing," he said.

Without knowing there has been information redacted, Silverman said, the requester won't have the opportunity to appeal the decision to redact, another key right protected under the public records law.

If the public records law is not followed, "government will be operating in secret," he said.

Others wonder how and why the information surfaced almost eight months later. "City officials need to be held accountable for withholding and leaking" the texts, said Peggy Wiesenber, a longtime Boston Public Schools watchdog. "I don't understand why this is coming out now," she said, adding that the timing seems suspect.

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After sharing racially charged texts about West Roxbury families in October, a Boston school official has resigned - The Boston Globe

According to Andrews, another local media outlet recently made a similar request for texts or e-mails. The school department has yet to respond to that request, but plans to exclude the inappropriate messages.

Rivera says the timing is deliberate and politically motivated.

“This is a right-wing coordinated effort to derail [the] BPS exam school vote,” she texted the Globe, referring to upcoming decisions on permanent changes to the admissions policy for the three exam schools. “The timing and leak of these texts were intentional and an inside job.”

Officials at the city of Boston and School Committee didn’t respond to e-mails seeking comment on Rivera’s accusation of a deliberate leak.

In a statement shared with the Globe, Superintendent Brenda Cassellius called the contents of the texts between Rivera and Oliver-Dávila “disappointing and hurtful to the Boston Public Schools community, and to our larger efforts to combat racism in all forms.”

The School Committee canceled its meeting for this week. It would typically be up to the mayor to appoint a new School Committee member to replace Rivera, but it’s not clear from the city charter whether an acting mayor has the authority to do so. Kim Janey is serving as acting mayor, replacing Martin J. Walsh, until the November election.

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After sharing racially charged texts about West Roxbury families in October, a Boston school official has resigned - The Boston Globe

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# Attachment G



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EDITORIAL

# Who covered up the Boston School Committee texts?

The public had every right to see text messages between school committee members on the night of a controversial exam school vote, but the city withheld them.

By **The Editorial Board** Updated June 16, 2021, 5:54 p.m.



Mayor Janey spoke at City Hall on June 16 to announce next steps for the Boston School Committee and share a COVID-19 update afternoon. CHRISTIANA BOTIC FOR THE BOSTON GLOBE

The next time the City of Boston says that it has complied with a public records request and leveled with the public, will anyone believe them?

The city's credibility is now in doubt, after the way it handled the fallout from a now-infamous Oct. 21, 2020, school committee meeting. Three school committee members have now resigned as a direct result of their behavior at that meeting, after making insulting and inappropriate statements.

But it's the city that may have actually broken a law, by failing to fully comply with a public records request from the Globe for records related to the meeting. If Superintendent Brenda Cassellius and Acting Mayor Kim Janey want the city to be regarded as trustworthy in the future, they'll need to figure out exactly who failed to provide the records and ensure it never happens again.

The nine-hour meeting, held on Zoom, was supposed to be historic. The appointed board unanimously approved a dramatic, but temporary, policy change in the way students are admitted to the city's three selective and prestigious exam schools, dropping the admission test and adopting a system based on grades and ZIP codes, yielding a class [with more Black and Latino students](#).

At the meeting, many white and Asian parents spoke out against the new admissions policy. The school committee chair, Michael Loconto, [was caught on a hot mike](#) mocking Asian American commenters.

ADVERTISING



Days after the meeting, the Globe's James Vaznis filed a public records request with Boston Public Schools for "copies of all cellular telephone text messages and e-mails related to BPS issues that were sent and received by each Boston School Committee member during their meeting that began on Oct. 21 and that ended on Oct. 22."

Under the state's public records and open meeting laws, the public has the right to observe and review how school committees, city and town councils, and boards of selectmen, among other appointed or elected government bodies, deliberate and make decisions during public hearings.

On Nov. 5, the Boston Public Schools' Office of Legal Advisor [sent Vaznis what it claimed were the responsive communications](#), including eight pages of text transcripts.

But as the Globe's Marcela García [reported earlier this month](#), the city improperly withheld clearly relevant text messages. The night of the meeting, members Lorna Rivera and Alexandra Oliver-Dávila had a text exchange that was turned over to BPS but was not given to the Globe:

"Best school committee meeting ever," Oliver-Dávila texted Rivera. "I'm trying not to cry." "Wait until the white racists start yelling at us," Rivera texted back. "Whatever. They're delusional," texted Oliver-Dávila. "I hate WR," she texted Rivera again, in reference to West Roxbury. "Sick of Westie whites," Rivera replied. "Me too. I really feel like saying that," Oliver-Dávila texted.

BPS said it "did omit portions deemed not 'related to BPS issues,' " which was the language in the Globe's records request. But it's hard to see how anyone would reach

that conclusion about the exchange in question — and even harder considering the texts that BPS *did* produce between Rivera and Oliver-Dávila. At one point, for instance, Oliver-Dávila asked Rivera how to find tweets regarding the meeting. Rivera also sent Oliver-Dávila a text expressing surprise that 170 people were slated to speak at the meeting and wondered if she'd be able to stay awake.

The fact that BPS released those trivial messages makes it even more striking that they withheld the West Roxbury exchange, which was far more clearly about “BPS issues.”

Earlier this month, Oliver-Dávila learned the withheld texts had been leaked and a local reporter had just filed their own public records request asking specifically for those in their attempt to authenticate them. Rivera and Oliver-Dávila instead shared them with García, of the Globe. Rivera had already resigned and Oliver-Dávila did hours after the texts became public.

Whatever the motives of the leaker, if it were not for them, the city would have successfully covered up records that the public was entitled to see. The Globe has now filed an appeal with the state's supervisor of records, who could determine that BPS violated the law. Unfortunately, although the public records law enables the supervisor to order BPS to belatedly produce the missing records, it does not allow her to hold BPS accountable for failing to do so in the first place or to file suit if BPS resists the order.

BPS owes the public an explanation. Trust in government only erodes when agencies skirt laws meant to ensure transparency. When a decision-maker on a city committee expresses hatred for a whole neighborhood, that's something the public has a right to know about — and the city has no right to hide.

---

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# Attachment H

**Subject:** City of Boston Public Records Office City Public Records Request :: R001023-111920

**Body:**



*City of Boston*

*Shawn A. Williams, Esq.*

*Director of Public Records*

06/18/2021

RE: PUBLIC RECORDS REQUEST of November 19, 2020., Reference # R001023-111920

Dear Darragh:

The City of Boston (City) has received your request for public records. This response applies only to records that exist and are in the custody of the City. See A Guide to the Massachusetts Public Records Law, p. 32, n.115. It is expected that a custodian of records must use her superior knowledge of her records with respect to responses to public records requests. 950 CMR 32.04(5). Specifically, you stated:

*Copies of all electronic communications, including emails, text messages, voicemails, social media messages, tweets, etc, to and from Superintendent Cassellius, her staff and/or assistants, and all members of the Boston School Committee, and all members of the Exam School Working Group regarding the Exam School Working Group, including electronic attachments to all electronic communications.*

*Please limit your search of the above item(s) to the period from January 1, 2018 to November 19, 2020.*

The records responsive to this request are provided via a link found below. What follows is an explanation of the records provided in this response in contrast to responses to previous requests.

**Prior Response by the City to Records Responsive to the Present Request**

The City first received a request for the responsive records in the fall of 2020. The original request sought copies of:

*"cellular telephone text messages and emails related to BPS issues that were sent and received by each Boston School Committee member during their meeting that began on Oct. 21 and that ended on Oct. 22."*

Public Records Request (R000876-102720)

In its response to request R000876, the City described the records it deemed responsive to that request. Records deemed non-responsive portions were omitted from the response; no records were withheld or redacted pursuant to a public records law exemption.

The City described the responsive records in its response to R00876:

**"Text Messages**

*With respect to text messages, it is important to note that none of the members possess a mobile phone that is owned by BPS or the City of Boston. Each member was contacted and asked to provide text message records from the respective personal devices that are responsive to your request."*

The City informed the requester that it omitted portions deemed not related to BPS issues.

**"Emails**

*Each member of the Boston School Committee is provided with an email address. To comply with this request, the BPS conducted a search of its email system for the dates and times of the meeting. No portions of these records were redacted."*

**Current Requests**

Based upon recent requests for all text messages associated with the above referenced matter, the City has determined that it will provide additional text message records. Recent requests seek all text message records rather than those specifically related to BPS business. Further, it has come to the attention of the City that the previously unreleased text messages have been published and made available to the public, making it "impossible to erase from public knowledge information already released." See *Globe Newspaper Co. v. Police Com'r of Boston*, 419 Mass. 852, 860 (1995).

**Responsive Records Included With This Communication**

The responsive records consist of screenshots of text messages sent and received by the school committee members. In the prior response a transcribed document was provided in lieu of screenshots. Please note the resolution of the screen shots may not provide optimal viewing at increased magnification - this is the condition of the records as provided to the City. No other copy of these screenshots exist. A copy of the previously released transcribed document is provided, as well as the emails previously provided in response to request R000876. These records have been released to the [Public Records Center](#). Click the link below to login to the Records Center and retrieve the requested records. [City Public Records Request - R001023-111920](#)

**Privately Owned Personal Devices**

As noted in the original response, members of the school committee do not possess City-issued devices. As a result, the responsive records were provided by the individual school committee members as screenshots from their personal devices.

**The Public Records Law**

Not all records created by a public employee are public records. Under Massachusetts law, a "public record" is a record "made or received by" a public employee acting in his or her capacity as a public employee, or as in the present instance as a member of a school committee. G. L. c. 4., s. 7 (26).

Each request for records must be reviewed on a case-by-case basis. Not every text message sent or received on a personal device of a public employee is a public record. Only those records "made or received" in the person's capacity as a public employee are deemed public. An individual analysis of each portion of a message sent from or received on a private device is therefore necessary to determine whether it meets this standard. In conducting such analysis, determinations of whether particular communications were made in a personal versus official capacity frequently require judgment calls between more than one reasonable conclusion. That is the case here, where the responsive records contain personal comments and observations by the members of the school committee that might reasonably be viewed as made in either capacity. However, as stated above, the City is aware that portions of those comments have already been published in the press and the availability of the information elsewhere affects the analysis. Those comments, in the context of a public meeting, have been determined to be responsive and public and therefore are released without omission or redaction.

**Records Retention**

The retention period of public records is determined by the retention schedules promulgated by the Supervisor of Records. Generally, records such as text messages are considered to be "transitory," meaning the retention period is brief. Transitory records do not require permission from the Supervisor of Records for destruction. A transitory record includes "messages created primarily to communicate information of short-term value." See 01.022 Correspondence (d) Transitory Messages, Municipal Records Retention Schedule (April 6, 2020).

In the present matter these records did exist at the time of the request, and as such are provided.

**Conclusion**

All responsive records are provided with this request. No records are withheld or redacted.

Very truly yours,



Shawn A. Williams, Esq.  
Director of Public Records  
Records Access Officer





# Attachment I-1

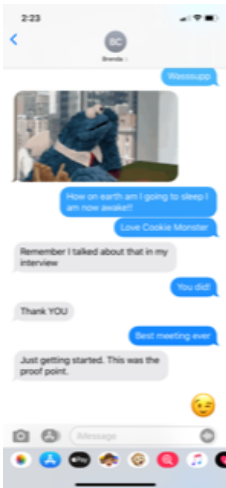
# Document 113-1 File



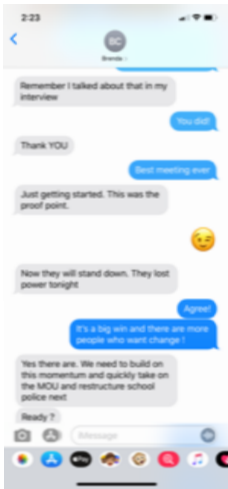
# Document 113-1 File



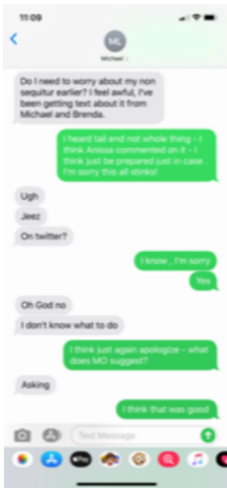
# Document 113-1 File



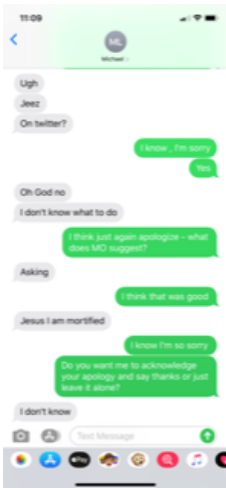
# Document 113-1 File



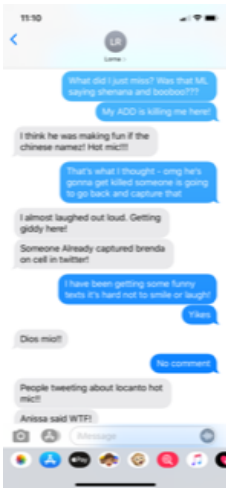
# Document 113-1 File



# Document 113-1 File

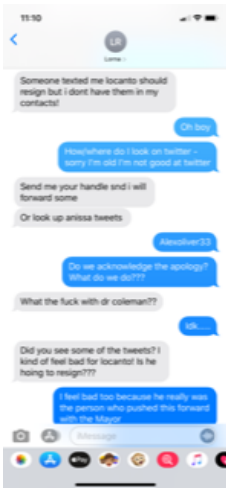


# Document 113-1 File

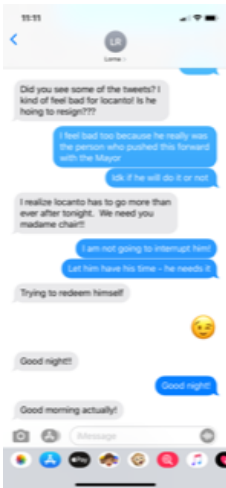




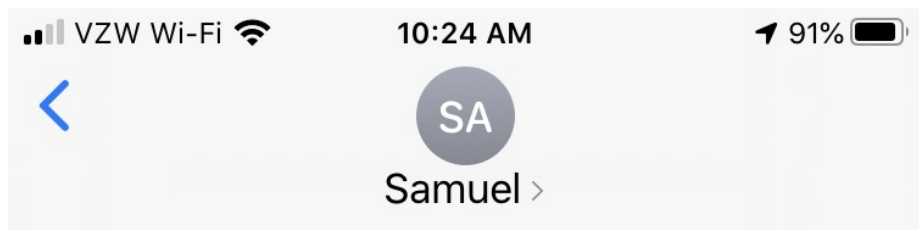
# Document 113-1 File



# Document 113-1 File



# Attachment I-2



iMessage  
Wednesday 5:46 PM

Lorna, as a member of the Exam School Working Group, thanks for your support. Mil gracias licenciada.

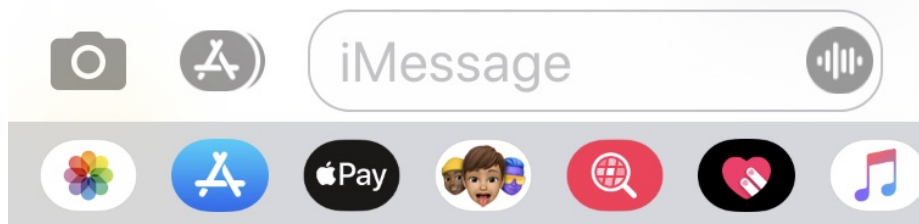


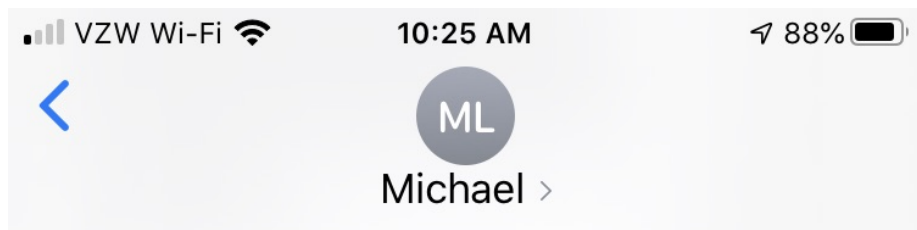
Your efforts made this possible! Mil gracias!!!!

A la orden siempre, Lorna.

Igualmente! 😊

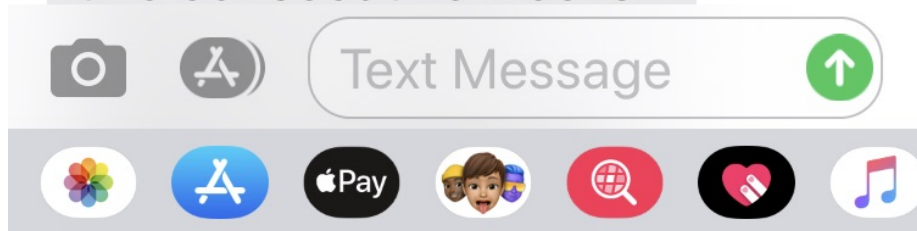
Delivered

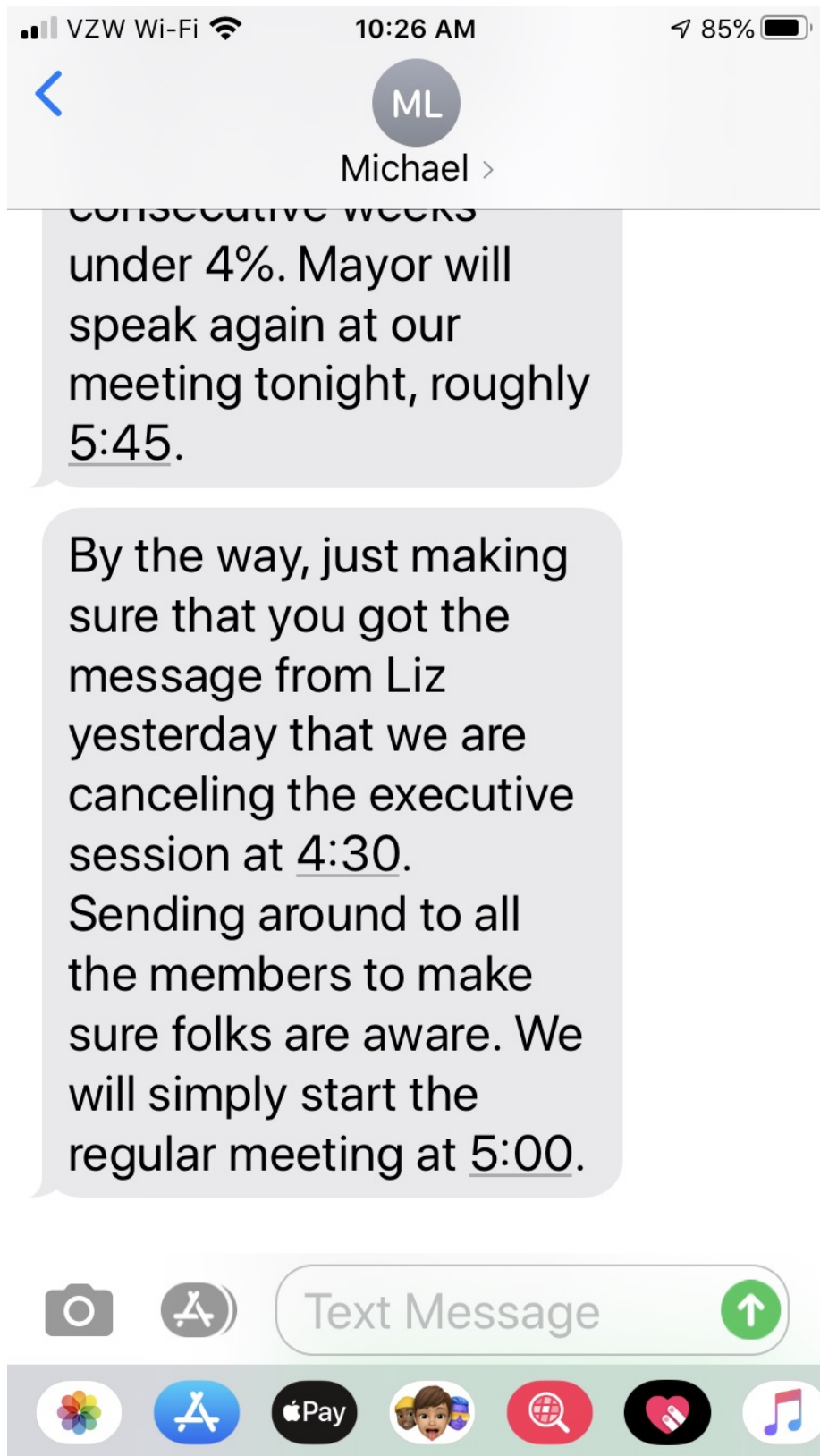


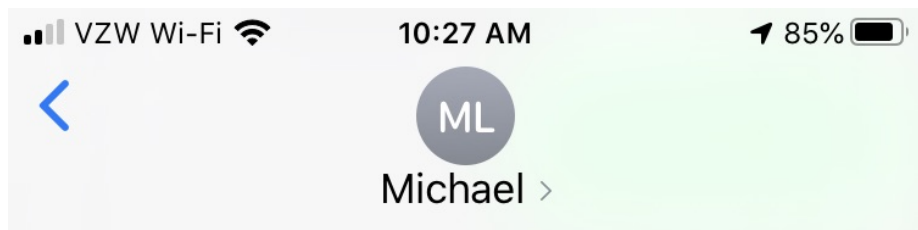


Wednesday 9:37 AM

Good morning. In non-exam news, our city wide positivity rate is now at 5.7. The mayor and Brenda have decided to shut down the schools completely. They are going to do a press release at 10:00. They are about to go in and talk with spedPAC now. We will begin to return high needs students once we have two consecutive weeks



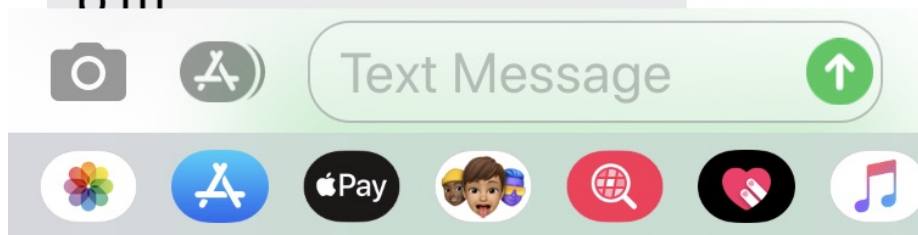




Wednesday 3:49 PM

Hi i calculated  $170 \text{ people} \times 3 \text{ min} = 510 \text{ minutes} = 8.5 \text{ hours}$ . Is this going to last this long. Cant we end at a certain time? Are we allowed breaks? I am sorry to complain. I will do my job but will needs breaks.

It's 2 minutes. Still a long time. Trust me, people will begin to fall off in droves after 11:00  
n m



VZW Wi-Fi

10:27 AM

83%



ML

Michael >

Ok. I have a five hour marathon meeting 8am to 1pm tomorrow. Will definately be braindead.

I feel you, unfortunately it is what it is

Wednesday 10:34 PM

Hi can you tell me how many more people left to testify? I couldnt find the spreadsheet in google

77 to go, many falling off



Text Message





VZW Wi-Fi

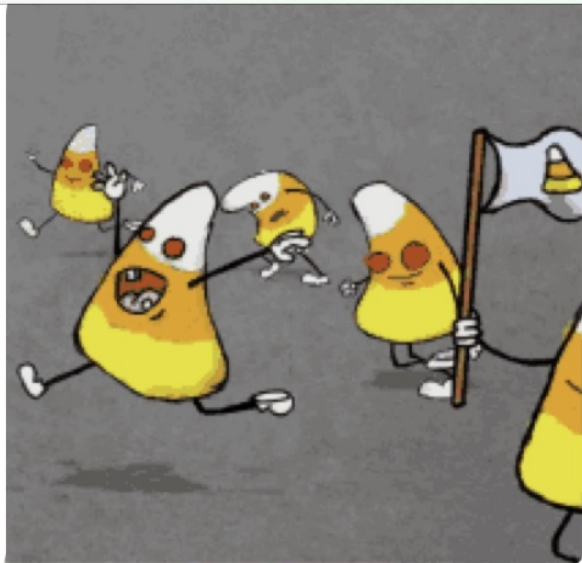
10:28 AM

82%



ML

Michael >



Hi can you tell me if  
angie camacho is on list  
and what number?

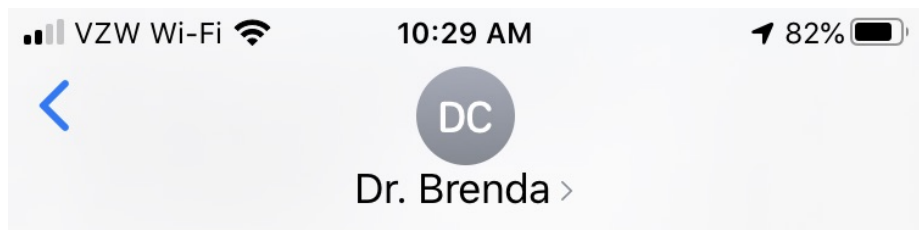
Yes she is #168, we are  
on 145

Thanks.



Text Message





Wednesday 6:33 PM

Powerful.

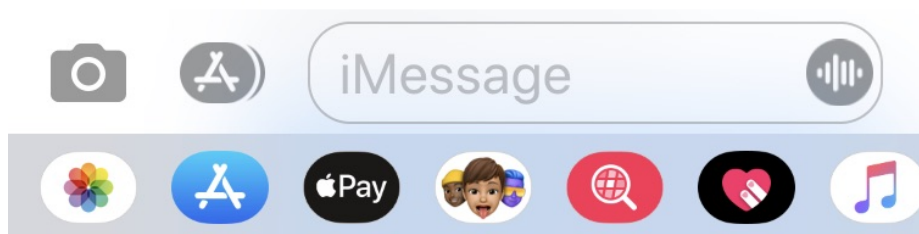
YES!!!!

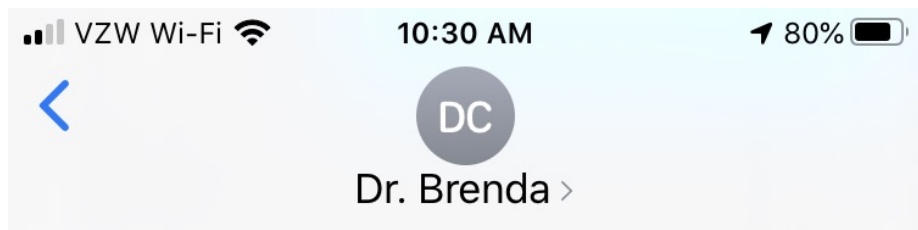
So grateful for truth to power

Yup. I asked him to write it and I asked Tanisha to read it. Powerful

Thank you. You are making history!!

We are



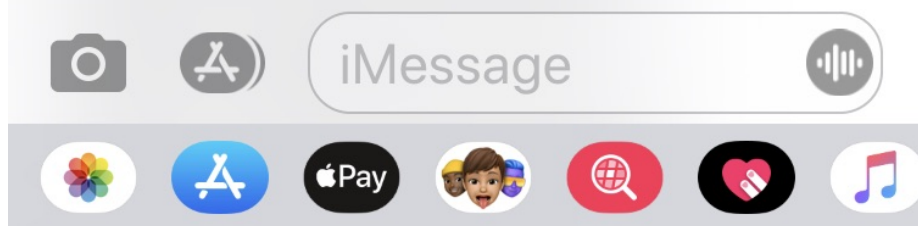


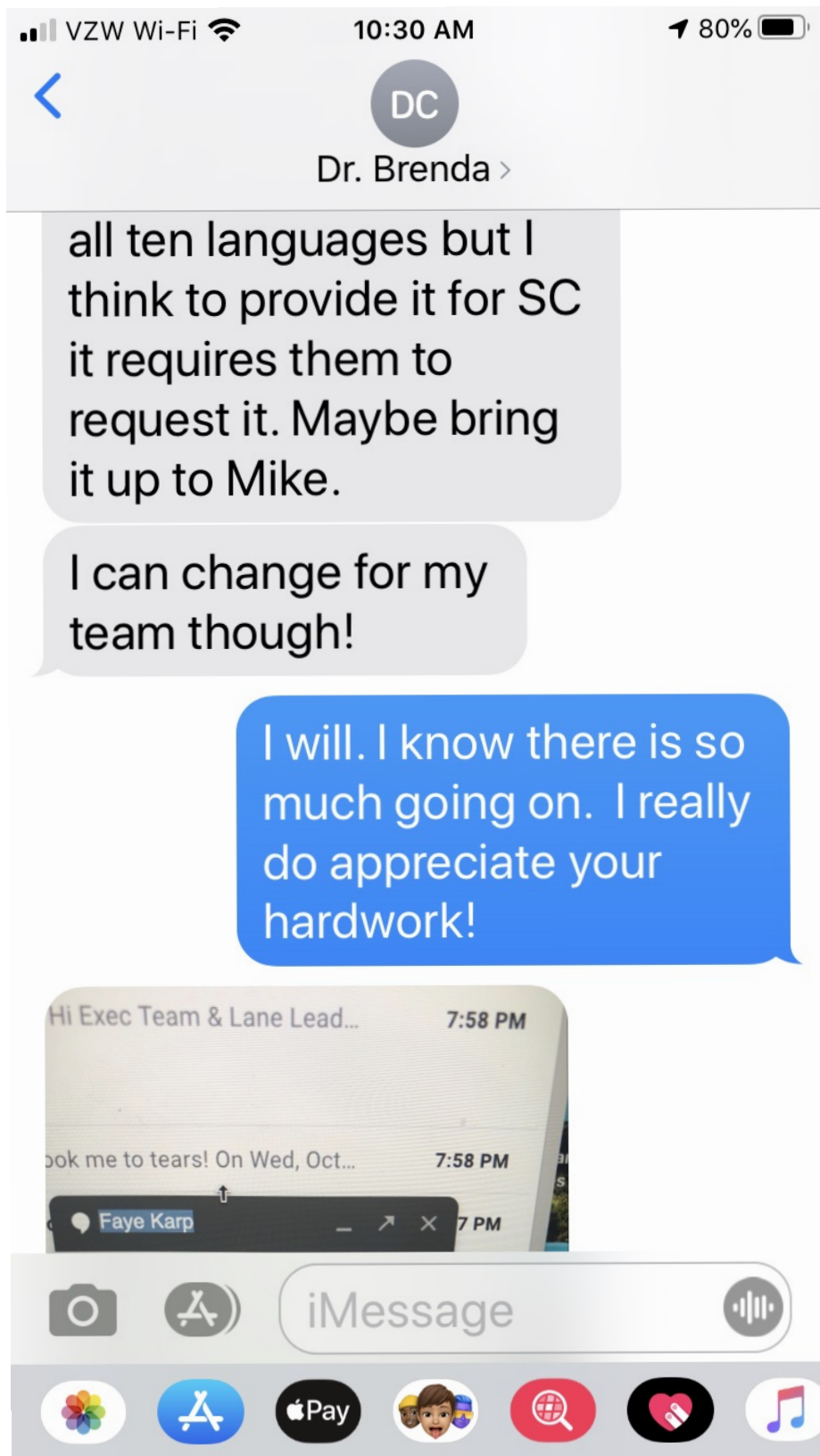
Wednesday 7:54 PM

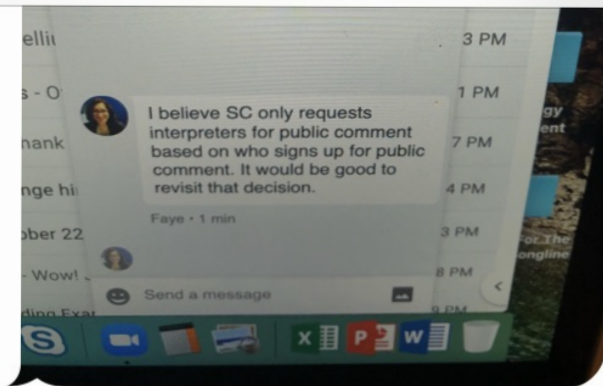
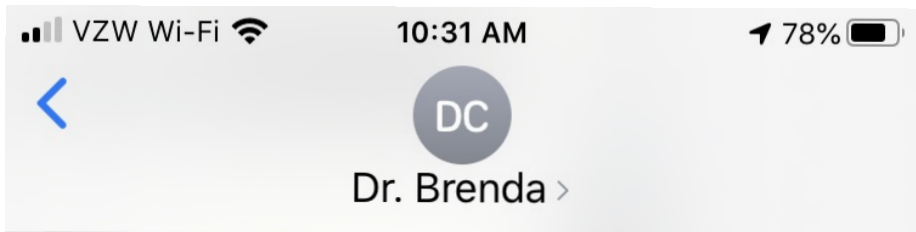
Hi why is interpretation a continuing problem for some of our communities? I hope we can improve.

We had Cantonese and I just asked Monica. This is the purview out the committee.

I suggested to Monica that if we have over a certain number of participants that we automatically default to







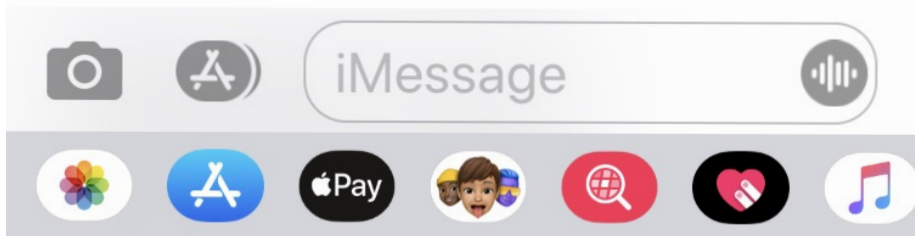
Thanks!

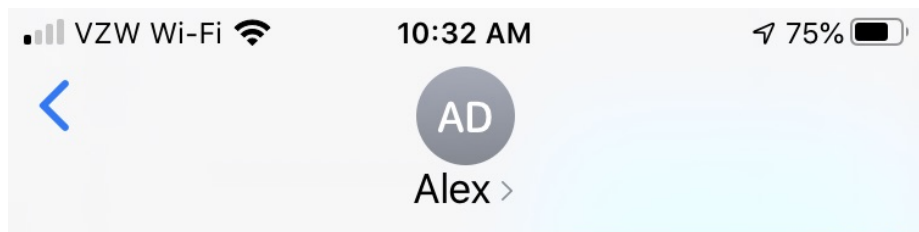
Wednesday 11:17 PM

I am Eating all my boy's halloween candy over here!

Ha!

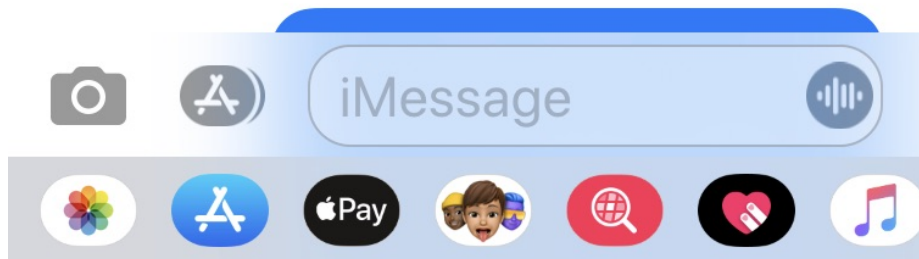
Thursday 2:03 AM



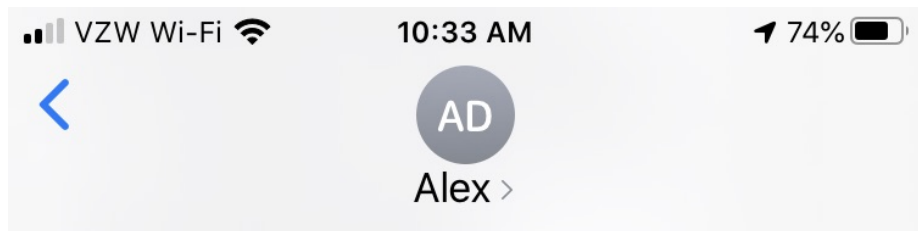


Sure!

Hi by law chair sets agenda and we can't vote on anything Superintendent hasn't had a chance to respond to. He suggest talking ML and asking him to add to the agenda for next time. We have 170 people speaking tonight so honestly this is probably not the best time to do it even if we could.





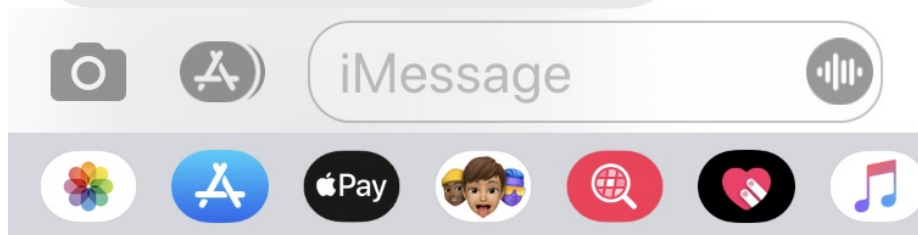


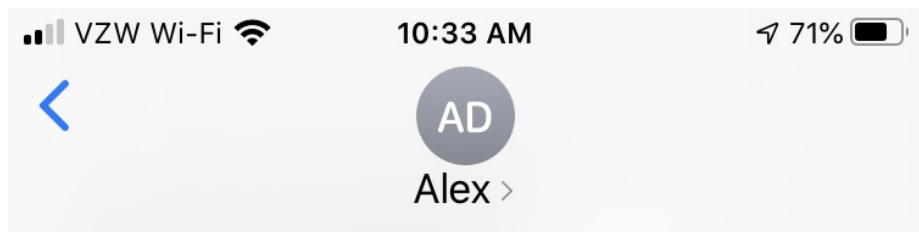
Ok. Wow 170!?! I dont know if i will be able to stay awake. i am too old for this job

Hi i calculated  $170 \text{ people} * 3 = 510 / 60 \text{ minutes} = 8.5 \text{ hours}$ . Is this for real? Cant we end at a certain time? Are we allowed breaks? I am sorry to complain.

Yup it's real

2 minutes each but will be a very long mtg





I think take breaks as  
you need them

Wednesday 5:03 PM

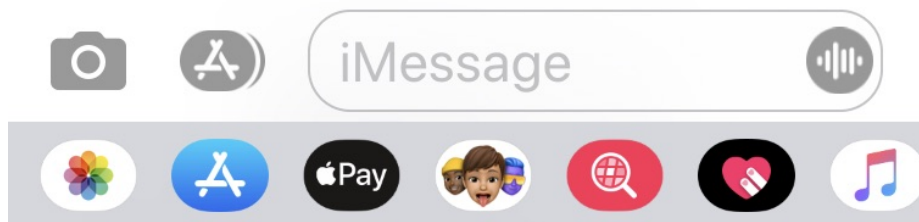
Your hair looks great!

Ha! Ha! I just took a  
shower to wake up!

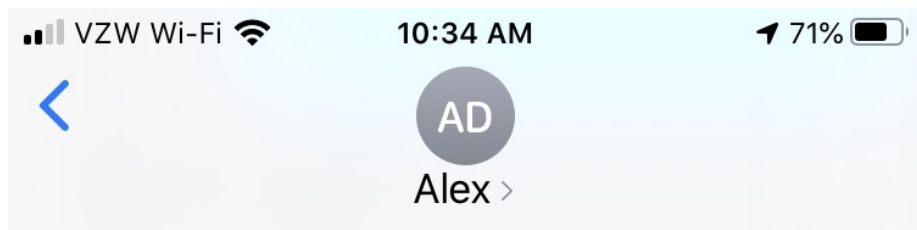
I'm actually having  
caffeine tonight!

Got my diet cokes lined  
up.

Man I miss DC!







Wednesday 6:34 PM

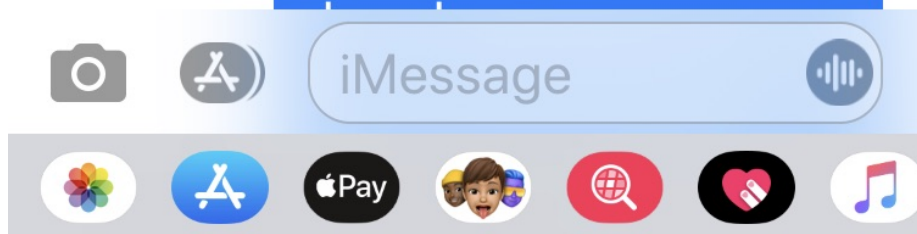
Best sc mtg ever I am  
trying not to cry

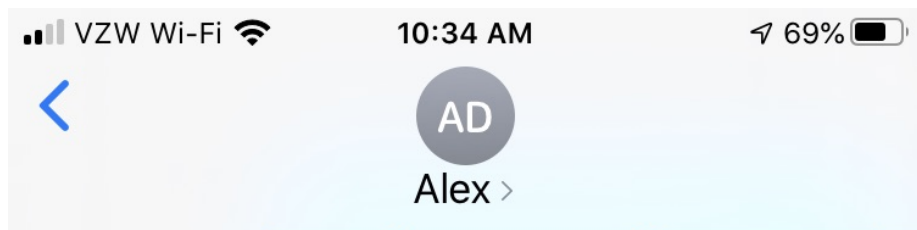
Me too!! Wait til the  
white racists start  
yelling st us!

Whatever... they are  
delusional

Wednesday 7:49 PM

Why cant we get  
interpretation/  
translation right? Why

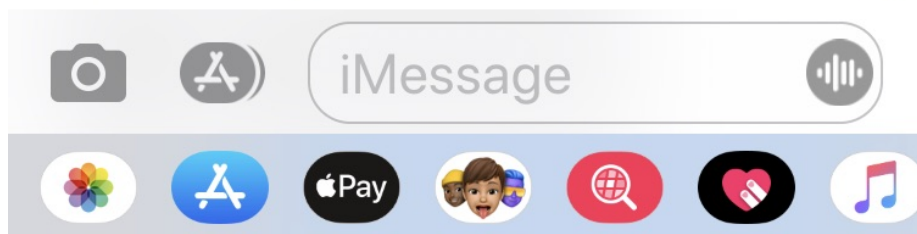


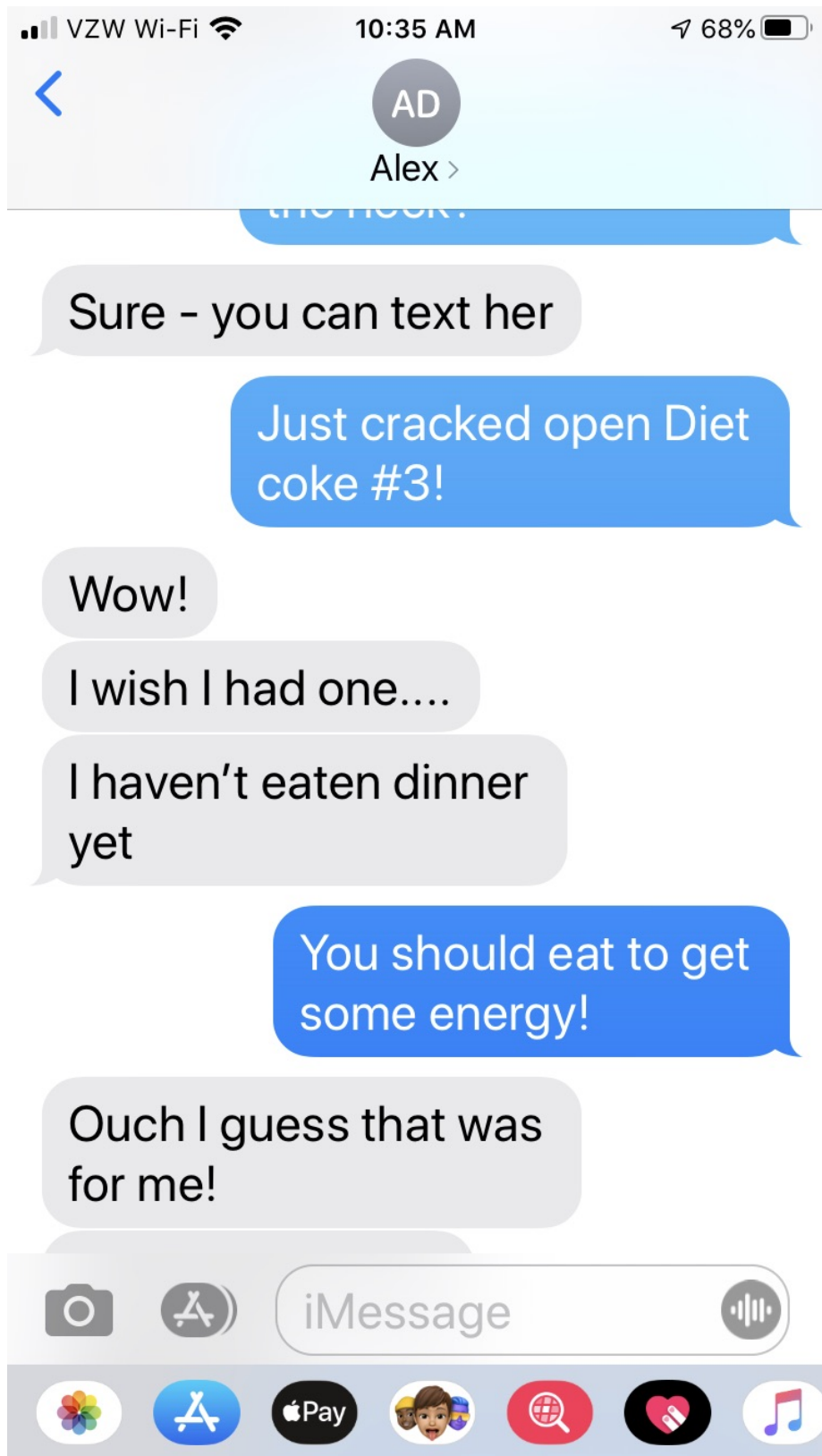


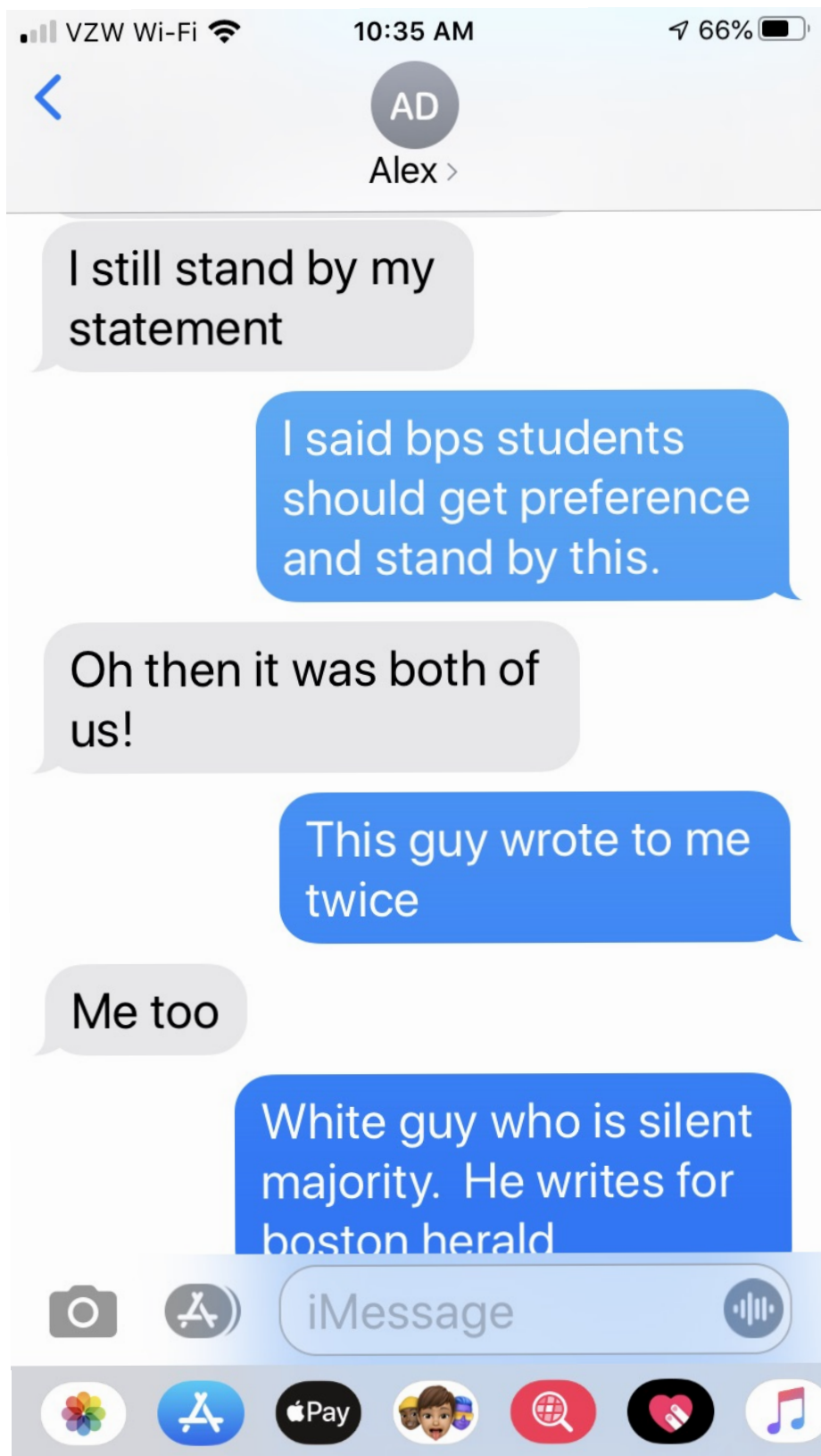
interpretation/  
translation right? Why  
does language access  
have to be so hard?

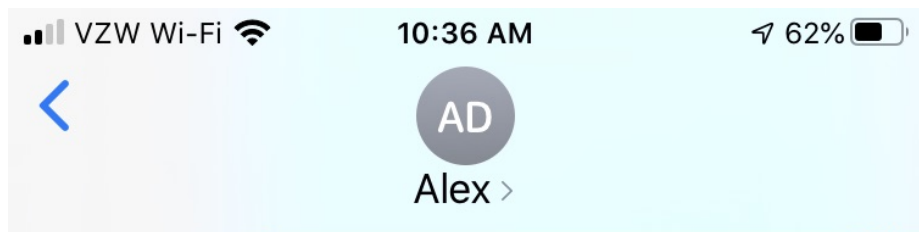
I don't know - when I  
was on the meeting that  
explained the proposed  
policy people got to  
choose to go into a  
room to get the whole  
meeting translated - at  
least that is how I  
understood it

Should i ask Dr C what  
the heck?









Not good

He complains because he wants to have a vote. I do think student should vote. But his tweets are excessive

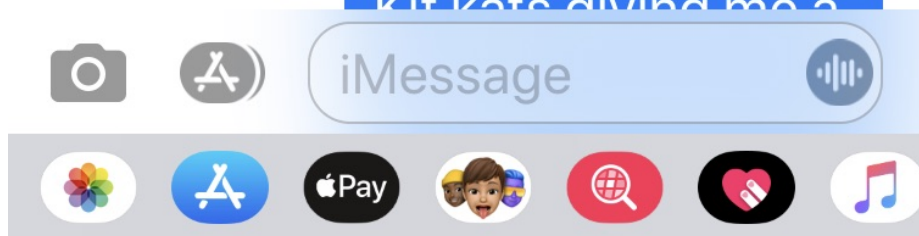
Agree

I hate WR

Sick of westie whites

Me too I really feel Like saying that!!!!

Kit kate giving me a



VZW Wi-Fi

10:36 AM

61%



AD

Alex >

Me too I really feel Like  
saying that!!!!

Kit kats giving me a  
boost.

I have some chocolate  
chip cookies!

What did I just miss?  
Was that ML saying  
shenana and  
booboo???

My ADD is killing me  
here!

I think he was making

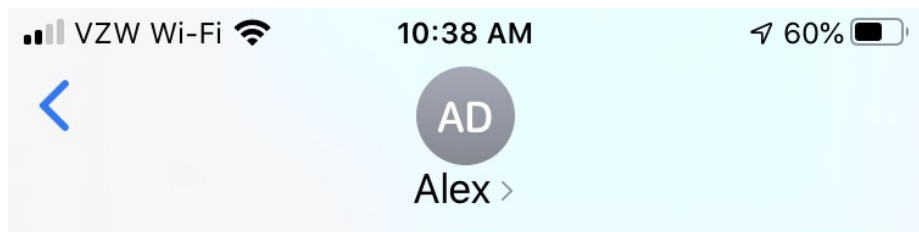


iMessage









Oh no! It's gonna be ugly

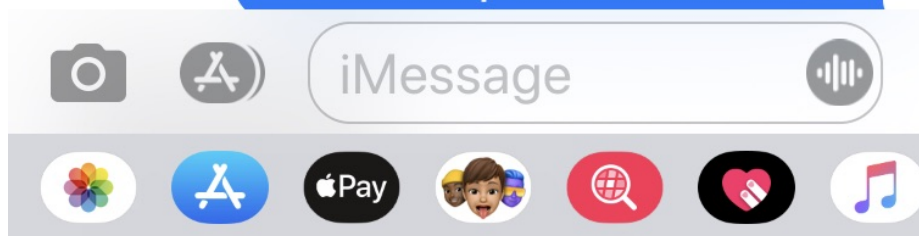
Someone texted me locanto should resign but i dont have them in my contacts!

Oh boy

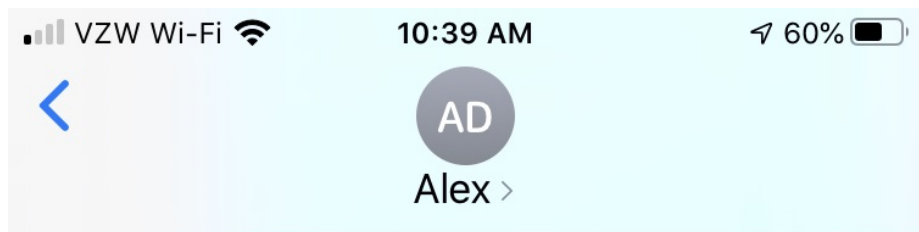
How/where do I look on twitter - sorry I'm old I'm not good at twitter

Send me your handle snd i will forward some

Or look up anissa tweets







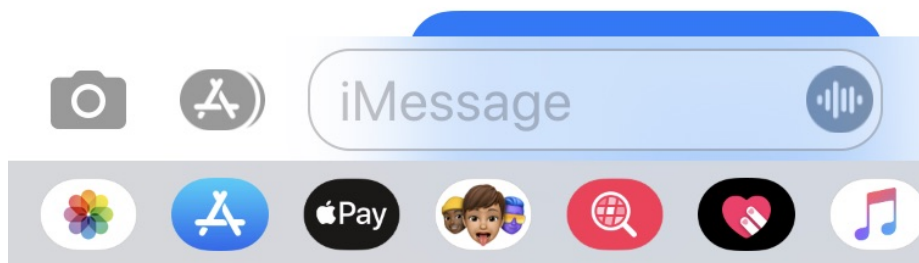
I feel bad too because  
he really was the person  
who pushed this  
forward with the Mayor

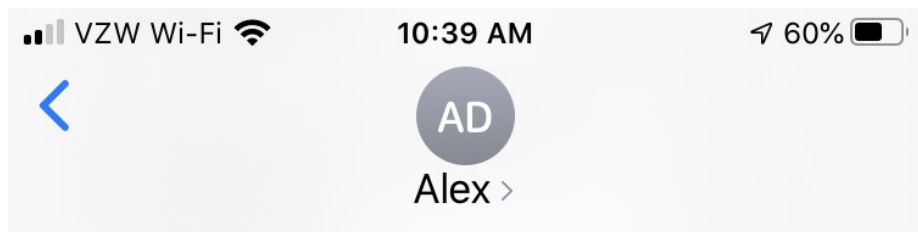
Idk if he will do it or not

I realize locanto has to  
go more than ever after  
tonight. We need you  
madame chair!!

I am not going to  
interrupt him!

Let him have his time -  
he needs it





Trying to redeem himself



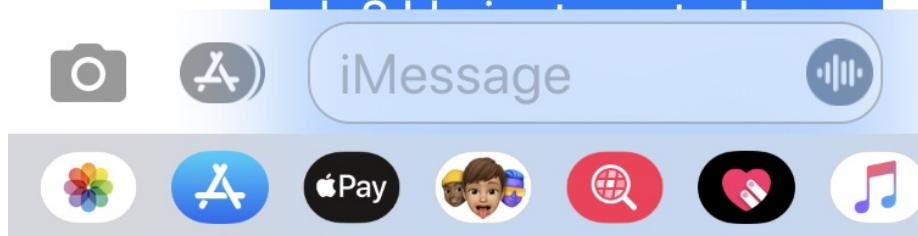
Good night!!

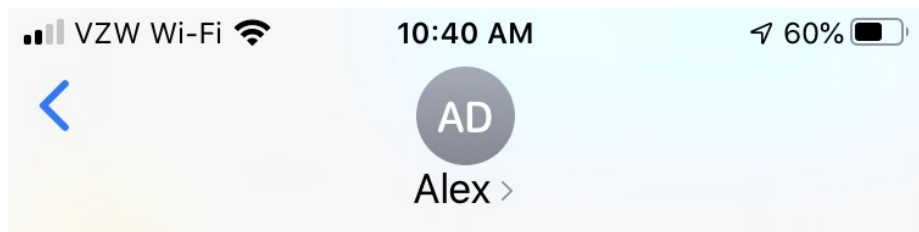
Good night!

Good morning actually!

Thursday 11:45 AM

Hey. People are really calling for locanto to resign! what are we to





Good night!!

Good night!

Good morning actually!

Thursday 11:45 AM

Hey. People are really calling for locanto to resign! what are we to do? He just posted an apology in twitter. But AAPI community really pissed.

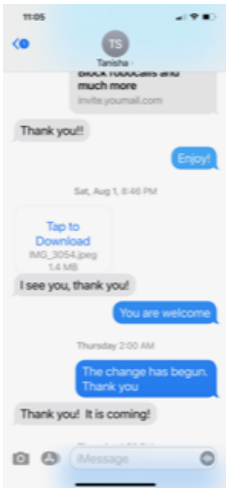


iMessage

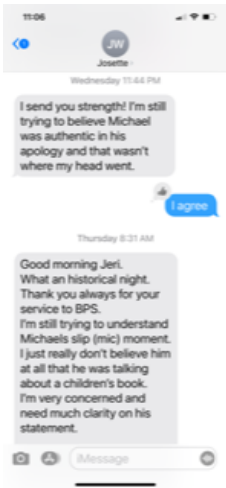


# Attachment I-3

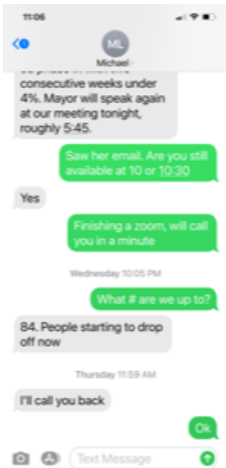
# Document 113-1 File



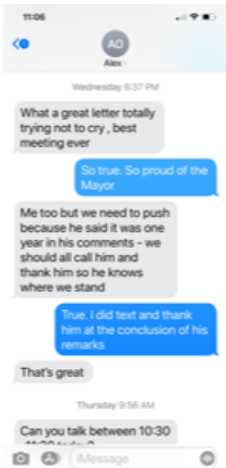
# Document 113-1 File



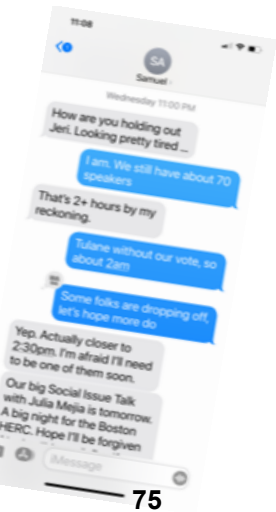
# Document 113-1 File



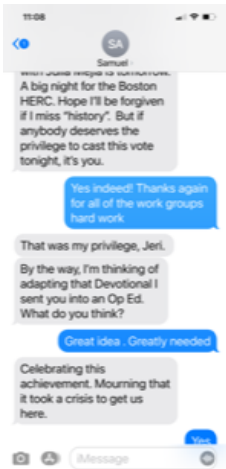
# Document 113-1 File



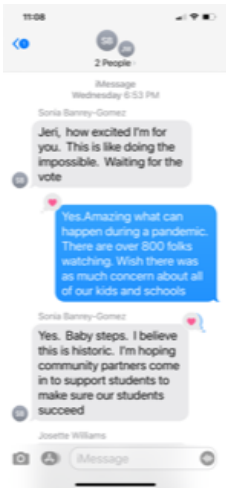




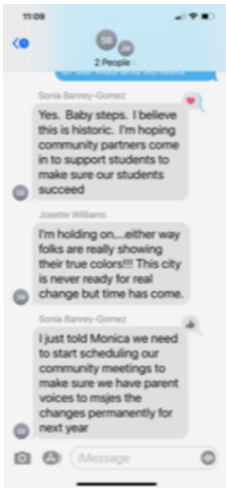
# Document 113-1 File



# Document 113-1 File



# Document 113-1 File

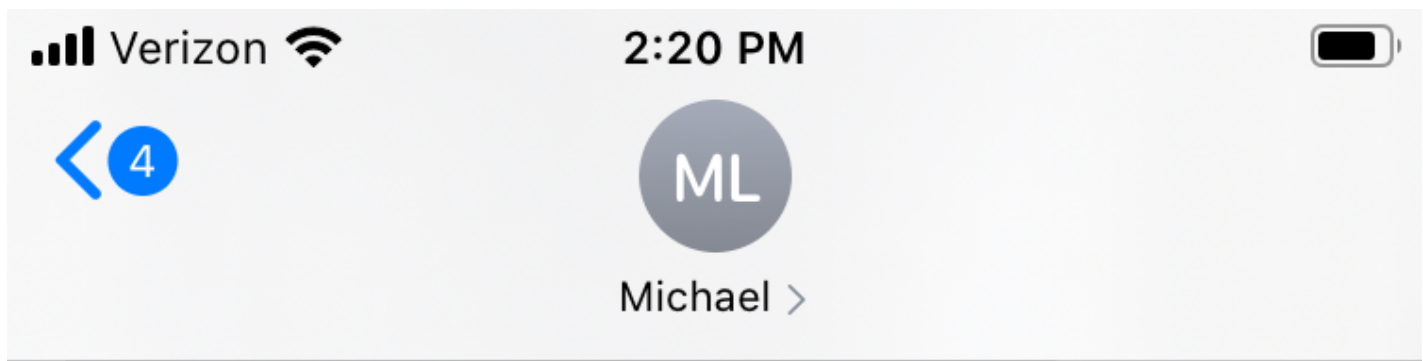


# ment 113-



79

# Attachment I-4



Wed, Oct 21, 5:27 PM

You should mention Khymani was on the national student panel last week

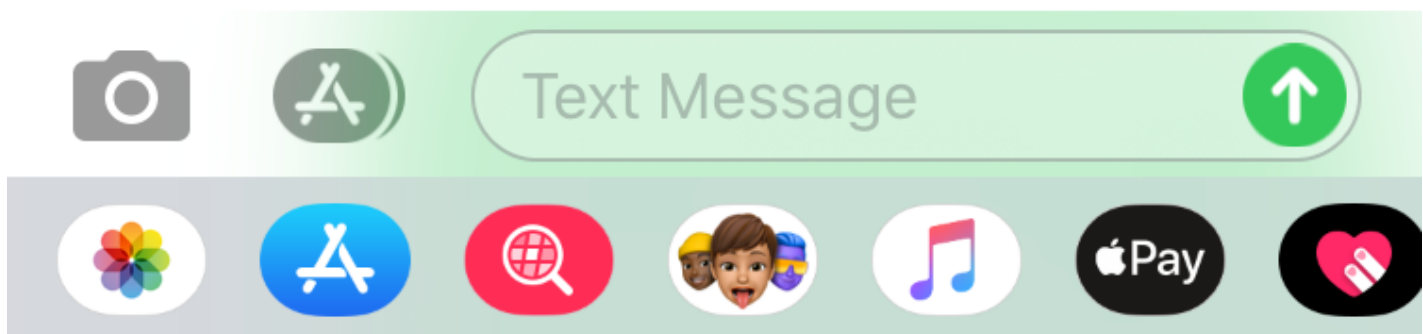


He was excellent and made us BPS Proud .



Made sure I gave you more credit than Mike Casserly

Funny guy . Thanks . It's appreciated.







Verizon

11:25 AM



Khymani &gt;

Wed, Oct 21, 6:43 PM

Are you comfortable on the logistics behind transferring elementary school grades to letter grades ?

Im confused on that part and don't want to ask publicly if I can get a behind the scenes answer

I suggested last week and will suggest again tonight they bring in a 3rd party to oversee / work with BPS on the process . They do have a method to convert BPS grades to a 12 point system, based on the specific 1-4 grades in certain subjects . They have had to do it for years as GPA is already 50% of the criteria . But I would prefer independent



iMessage



Verizon

11:25 AM



Khymani &gt;

I suggested last week and will suggest again tonight they bring in a 3rd party to oversee / work with BPS on the process . They do have a method to convert BPS grades to a 12 point system, based on the specific 1-4 grades in certain subjects . They have had to do it for years as GPA is already 50% of the criteria . But I would prefer independent oversight to build trust.

Ahhh I see

Thursday 12:29 AM

Well done . Very well done .

Delivered

Thank you, Mr.O'Neill



iMessage



Verizon

2:20 PM



Michael &gt;

What the heck was your last comment / your mic was on. Hope you were talking to your daughter about a bedtime book .

Sha boo. Boo boo boo ?

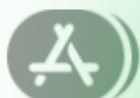
Geez I'm sorry I was talking to my wife About a kids book

Thought so, but it came out real weird !

Should I address?

You did it right .

I'm mortified if someone took it another way, Brenda mentioned it too and said someone else texted her about it



Text Message



Verizon

2:20 PM



Michael &gt;

It was right after Liz read a bunch of names , could have been interpreted that you were commenting on the names . I knew you would never do that , assumed one of your daughters was saying good night . Glad you cleared it up right away . Don't worry about it any more .

How far along are we ?

Ok thanks. I realized that after I got the texts. I feel awful.

We are on 159. 20 to go

You corrected very quickly . Regular watchers know your daughters always say goodnight to you .

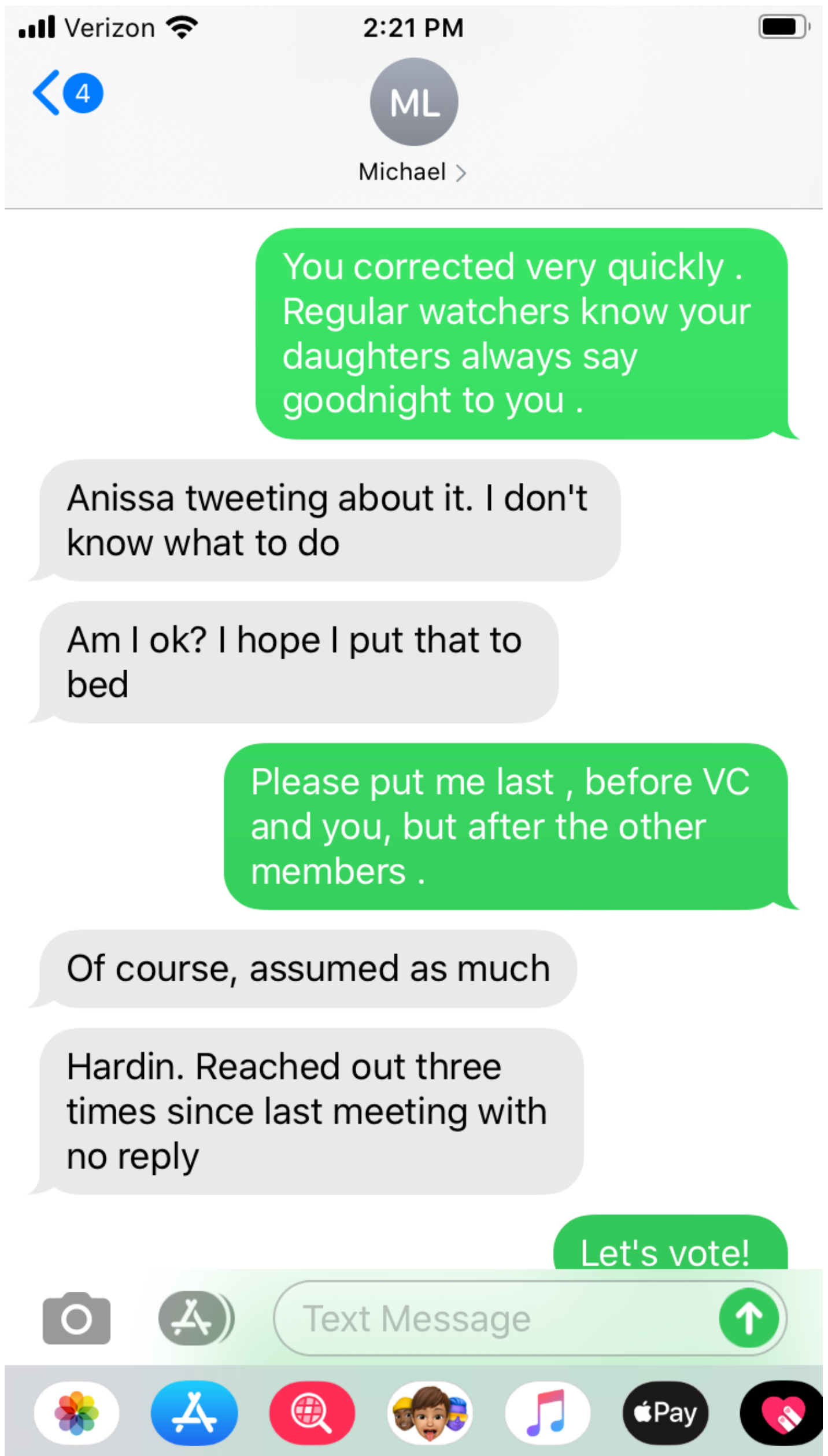
Anissa tweeting about it. I don't



Text Message







# Attachment I-5

12:08



Alexandra >

Wed, Oct 21, 18:19

Great points - thank you for message to fellow students - soooo important!

Thank you, Ms.Oliver-Davila !!!

You are welcome! Keep asking your great questions!



Wed, Oct 21, 20:03

Quick question: is what is being voted on tonight called a "proposal" or a "policy"

Proposed policy

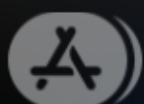
Thank you!

Sure!

Wed, Oct 21, 23:19

Wow - I had to turn my camera off because of my facials.

That's a great strategy!



iMessage



12:08



Alexandra &gt;

Wed, Oct 21, 23:19

Wow - I had to turn my camera off because of my facials.

That's a great strategy!

You are a trooper staying late!

Thanks Vice Chair. Trying my best to pull through!

Also you can leave! Everyone will understand because you have school tomorrow - past BSAC members have left around 9pm



Yes, I am aware! Thank you - I told myself at the beginning of the year that I would attend all hours of the meeting since they're so important and only every other week

You are a trooper! Hope your teachers give you a break on Thursday mornings

Me too 😊!!!

Fri, Oct 23, 12:08



iMessage

